

# **Pramod Kumar Prasad vs State Of U.P. And 2 Others on 31 January, 2025**

**Author: Vipin Chandra Dixit**

**Bench: Vipin Chandra Dixit**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14368-DB

Court No. - 40

Case :- WRIT - C No. - 185 of 2025

Petitioner :- Pramod Kumar Prasad

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Krishna Mohan Misra

Counsel for Respondent :- C.S.C.

Hon'ble Shekhar B. Saraf,J.

Hon'ble Vipin Chandra Dixit,J.

1. Heard learned counsel appearing on behalf of the parties.
2. This is a writ petition under Article 226 of the Constitution of India wherein the petitioner has made the following prayers :-

"i. to issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 08.09.2024 and 23.12.2024 (Annexure No.1) passed by respondent No.3 namely Tehsildar, Tehsil Bansdeeh, District Ballia rejecting the application of the petitioner for uploading his manual caste certificate on an online

digital format.

ii. to issue any other writ order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner submits that the Tehsildar has no right to carry on a verification with regard to the manual caste certificate issued to the petitioner and the Tehsildar is required to upload the manual caste certificate on a digital platform without entering into the merits of the validity of the said caste certificate. Learned counsel appearing on behalf of the petitioner has relied upon the decision in *Raj Mangal Gond vs. State of U.P. and others* reported in 2023 (2) ADJ 490 (DB). The relevant paragraphs thereof are delineated below :-

"7. Having heard the learned counsel for the petitioner, Sri H.R. Misra, learned Senior Advocate assisted by Sri K.M. Misra and Sri Swatantra Pratap Singh, learned counsel for the petitioners and the learned Standing Counsel, the Court is definitely of the view that when the Tehsildar had already earlier issued a certificate and was only issuing a fresh certificate "On-line" then he could not enter into the merits of the matter. The jurisdiction to verify the Caste Certificate and as to whether it should be validated or in-validated lay with the Caste Scrutiny Committee under the Government Order dated 28.02.2011. The authority i.e. the Tehsildar, which had earlier issued the Caste Certificate had no jurisdiction to cancel the same except when the Caste Certificate had been obtained by playing fraud or by concealing any relevant fact. In the instant case when the Tehsildar had cancelled the Caste Certificate issued by him on 27.11.2014, there was no finding in the impugned order that the earlier certificate was obtained by the petitioner by playing fraud on any authority. As a result, the impugned order dated 26.02.2021, so far as its relates to the petitioner is quashed and is set aside.

8. With these observations the writ petition stands allowed.

4. The Tehsildar shall issue the "Online" Certificate forthwith. If, however, the Tehsildar doubts the caste or the tribe of the petitioner he may refer the matter to the District Level Caste Scrutiny Committee, Maharajganj."

4. Considering the facts of the present case and after perusal of the judgment cited by the petitioner in *Ram Mangal Gond* (supra), we are at consensus ad idem with the aforesaid judgment and accordingly quash and set aside the impugned orders dated September 8, 2024 and December 23, 2024. We direct respondent No. 3/ Tehsildar, Tehsil Bansdeeh, Ballia, to act in terms of the judgment passed by the coordinate Bench in *Ram Mangal Gond* (supra) within a period of four weeks from date.

5. With the aforesaid direction, this writ petition is disposed of.

Order Date :- 31.1.2025 DKS (Vipin Chandra Dixit, J.) (Shekhar B. Saraf, J.)