

RAMAVATAR
v.
STATE OF BIHAR AND ORS.

APRIL 7, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

Scheduled Tribe—Status certificate—Genuineness of—Appellant's claim for promotion on the basis of Scheduled Tribe status—Rejection of—None of appellant's forefather granted status certificate—Family history indicated that his claim was highly doubtful—Appellant held not eligible for status as Scheduled Tribe.

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 2951-52 of 1997.

From the Judgment and Order dated 15.4.96 of the Patna High Court in L.P.A. No. 130 of 1996 and 165 of 1996.

Pramod Swarup for the Appellant.

Pravir Chaudhry, Manoj Saxena and Irshad Ahmad for the Respondents.

K.N. Rai and B.B. Singh for the Respondent No. 7.

The following Order of the Court was delivered :

Leave granted.

The appellant claims for promotion as Engineer-in-Chief on the basis of a Scheduled Tribe Status. In the judgment in *Major Yogendra Narain Yadav v. State of Bihar & Ors.*, the right of the person has been determined. In this case, the question arises is: whether the appellant really belongs to Scheduled Tribe? With a view to find the genuineness of the status as Scheduled Tribes, we had directed the petitioner to file geneology table of his family history. It is now admitted in his affidavit that the family of the appellant hails from Bilaspur, Madhya Pradesh. He claims that his forefathers had migrated to Bihar and that the appellant had done his education there and had obtained the certificate also from the District Magistrate, Patna. Admittedly, none of his forefathers had been granted any such certificate. The family history, as stated in the affidavit indicates as under :

A

"GENEOLOGY
Late Chilbili Sah
Late Chintaman Sah
Late Hira Sah

B

Late Tulsi Sah Late Janki Sah Late Mahabir Sah

C

Ram Avatar Kaushalya Laxmi Narayan
(Son) (Widow)
(Daughter)

D

Married with Married with late Married to Bagaha
Yashoda Devi Ganga Pd., Patna District Bettiah, Old
Ara District Old District Motihari
Shahabad
District.

E

Rashmi Bala Ushmi Bala Abhijit
Daughter Daughter Son

..... All are married

F

G

H

| Shashi Bala | Nishi Bala | Rishi Bala | Pawan Kumar | Suman Kumar | Sandhya | Pragati Gond | Raman Kumar |
|---|---|---|-------------------------------|-----------------------|---|---|-----------------------|
| Daughter married to O.P. Gond, Patna City Patna | Daughter married to Raghunath Manjhi Lasia P.S.E. Kurrudeg in Semdega in the Ranchi District now Gumla District | Daughter married to Birendra Sah Jarsuguda in Sabalpur District Presently Jharsu- guda (Orissa) | Gond son Unmarr- ied | Son unmarr- ied | Daughter married to Chapra District presently Gopalganj District | Daughter married to Ajay Kr., Patna | Son un- married |

A reading of this family history indicates that his claim as Scheduled Tribe is not only highly doubtful but beyond comprehension to believe that he is eligible for the same. Under the circumstances, we do not find any substance to interfere with the order of the High Court. However, it would be open for the appellant to be entitled to compete as a general candidate. A.

The appeals are accordingly dismissed but without any order as to costs. B

T.N.A.

Appeals dismissed.