



Reserved on : 21.02.2025
Pronounced on : 07.03.2025

IN THE HIGH COURT OF KARNATAKA DHARWAD BENCH

DATED THIS THE 07TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.104264 OF 2021 (GM - CC)

BETWEEN:

PRABHU RAMESH HAVERI
S/O LATE RAMESH DURGAPPA HAVERI
AGED ABOUT 35 YEARS,
OCC.: SERVICE AS SA-GRADE-II,
IN KPTCL, AT RANEBENNUR,
HAVERI DISTRICT – 581 110.

... PETITIONER

(BY SRI SRINAND A.PACHHEPURE AND
SMT.PALLAVI S.PACHHAPURE, ADVOCATES FOR
SRI F.V.PATIL, ADVOCATES)

AND:

- 1 . THE COMMISSIONER FOR SOCIAL WELFARE
AND APPELLATE AUTHORITY,
M.S.BUILDING,
BENGALURU – 01.
- 2 . THE DEPUTY COMMISSIONER
AND THE CHAIRMAN

OF CASTE VERIFICATION COMMITTEE,
HAVERI,
DISTRICT HAVERI – 581 110.

- 3 . THE TAHASILDAR RANEBENNUR
RANEBENNUR,
DIST. HAVERI – 581 110.
- 4 . THE SUPERINTENDENT OF POLICE AND
THE DEPUTY CHAIRMAN
CIVIL RIGHTS AND ENFORCEMENT CELL,
BELAGAVI REGION,
BELAGAVI – 590 001.
- 5 . THE CHIEF ENGINEER
KPTCL, BAGALKOT,
DISTRICT BAGALKOT – 587 301.

... RESPONDENTS

(BY SRI C.JAGADISH, ADVOCATE FOR R1 TO R4;
SRI SHIVARAJ P.MUDHOL, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED NIL, AUGUST, 2018 IN BEARING NO.UNISAKAE/S-5/CR/2018-19 PASSED BY THE RESPONDENT NO.2, VIDE ANNEXURE-L, IN THE INTEREST OF JUSTICE AND EQUITY; B) ISSUE WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 18TH OCTOBER, 2021 IN APPEAL NO.33/2018-19 PASSED BY THE RESPONDENT NO.1, VIDE ANNEXURE-M, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 21.02.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner is before this Court calling in question an order of August, 2018 and an order dated 18th October, 2021 by which, the caste certificate granted to the petitioner has been cancelled.

2. Heard Sri Srinand A. Pachhapure, learned counsel appearing for the petitioner, Sri C. Jagadish, learned counsel appearing for respondents 1 to 4 and Sri Shivaraj P. Mudhol, learned counsel appearing for respondent No.5.

3. Facts, in brief, germane, are as follows;-

The petitioner is said to be belonging to Hindu-Bhovi caste also known as 'Vaddar'. It is the case of the petitioner that in the school leaving certificates, the petitioner, his brother and his sister are shown to be Hindu-Bhovi caste. The Tahsildar after conducting a local inquiry and drawing up panchanama had held that the petitioner belongs to Hindu-Bhovi caste and accordingly, issued a

caste certificate in his favour. The brother of the petitioner joins a course in a private college. There, he is granted a scholarship by treating him as Hindu Sunagar caste. Based upon the said scholarship, the second respondent/District Caste Verification Committee refuses to issue validation certificate in favour of the petitioner. This leads the authorities to cancel the caste certificate of the petitioner on the ground that he had claimed the caste status as Hindu Bhovi fraudulently. The petitioner approaches this Court in Writ Petition No.63908 of 2011, which is disposed by an order dated 02-11-2012, remitting the matter back to the District Caste Verification Committee for conduct of a fresh inquiry. On 12-04-2017, the Deputy Director of Social Welfare Department submits a report of inquiry that the petitioner belongs to Hindu Bhovi caste. The school records are again verified to know whether the petitioner belongs to Bhovi caste. **Notwithstanding all these, based upon subsequent report of the Tahsildar**, the Director, Social Welfare Department passes an order that the petitioner belongs to Sunagar-Bhovi, Category-I and the validation certificate is refused. The petitioner then prefers an appeal before the Appellate Authority. The appeal comes to be dismissed by an order

dated 18-10-2021. It is, therefore, the petitioner is before this Court in the subject petition.

4. The learned counsel appearing for the petitioner would vehemently contend that all the certificates of the brother and sister of the petitioner clearly depict that they belong to Hindu Bhovi caste. If every family member is belonging to said caste, it is un-understandable as to how the petitioner can be said to belong to a different caste. The only reason projected is of erroneous grant of scholarship in favour of the brother of the petitioner. He would seek quashment of the entire proceedings.

5. *Per contra*, the learned counsel representing respondent Nos.1 to 4 would vehemently refute the submissions contending that the Tahsildar who gave a report in favour of the petitioner has committed a fraud. He has not verified anything before giving the report. **Therefore, a second report was sought from the Tahsildar, who clearly opined that the petitioner does not belong to Bhovi caste, but he is a Sunagar.** He would admit that the only reason for refusing the validity certificate is that, the

brother of the petitioner had secured scholarship as belonging to Sunagar caste.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The afore-narrated facts are not in dispute. The issue dates back to 2007 when a caste certificate was issued in favour of the petitioner. It was not just like that, but was issued after verification and conduct of an enquiry. The caste that the petitioner was belonging to was 'Hindu Bhovi'. The petitioner completed his ITI course on the strength of the caste certificate. When things stood thus, the 3rd respondent cancels the caste certificate of the petitioner holding that the caste of the petitioner has been wrongly stated in the school records as 'Hindu Bhovi' which is to be corrected as 'Hindu Sunagar'. This is challenged before this Court by the petitioner in W.P.No.63908 of 2011. This Court disposed the aforesaid petition directing fresh enquiry to be conducted, in terms of its order dated 02-11-2012. The order reads as follows:

“Having heard the learned counsel for the parties and examined the order dated 18.10.2010 (Annexure-D) of the Tahsildar withdrawing the caste certificate dated 30.03.2007 issued to the petitioner declaring him to belong to Hindu - Bhovi, a notified Schedule Caste, **not preceded by a notice to the petitioner and opportunity of hearing, undoubtedly, the order is a nullity.**

2. Ends of justice will be met if the order dated 18.10.2010 (Annexure-D) is read down as a show cause notice entitling the petitioner to file his explanation along with records following which the Tahsildar is directed to hold an enquiry after extending reasonable opportunity of hearing to the petitioner and to pass orders in accordance with law.”

(Emphasis supplied)

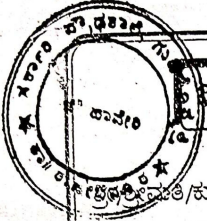
After this, enquiry is conducted yet again. **The result of the enquiry is, a clear depiction that the sister and all other family members of the petitioner belong to Hindu Bhovi caste.** The reason for cancellation of the caste certificate comes about holding that the petitioner belongs to Hindu Sunagar – Bhovi – Category I caste as could be seen from the order dated 18-10-2021. It reads as follows:

“Since the appellant has failed to establish that he belongs to Bhovi community by placing substantial material before this Authority and also in view of the fact that the appellant has not disputed the fact regarding his elder brother claiming scholarship under Backward Class Category-I from the Department of Backward Class and Minority, I am of the opinion that the

appellant has not made out a case warranting interference from the hands of this authority. Accordingly, I uphold the order passed by the DCVC and dismiss the appeal filed by the appellant as devoid of merits. Copy of this order shall be communicated to the DCRE, Bangalore and the appointing authority to take appropriate action under Section 7-A and 7B of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of appointment, etc.) Act, 1990.”

(Emphasis added)

The reason clearly depicts that the brother of the petitioner had claimed scholarship under Backward Class Category-I from the Department of Backward Class and Minority. It is understandable as to how a particular mistake of seeking scholarship would take away the caste status of the petitioner. There are plethora of documents appended to the petition by which it is clearly demonstrable that members of family of the petitioner and the petitioner belong to Hindu Bhovi caste. The caste certificate issued in the year 2007 has been revalidated for over 11 years later. What is seen at the time of re-validation is also discernible from the caste certificates so issued to the members of the family. They also read as follows:



ಜಾತಿ ಹಾಗೂ ಜನ್ಮ ದಿನಾಂಕ ದೃಢೀಕರಣ ಪತ್ರ

ಶ್ರೀ ಬಿ. ಶೇಷೇಶ್. ದಾಸಿ

ಸಾಕೇನ..... ಜನ್ಮ ದಿನಾಂಕ : 31-07-1986

ಅಕ್ಷರದಲ್ಲಿ ವ್ಯಾಜ್ಯ ಕೌಂಟರ್ ನಲ್ಲಿ ಬಾಲ್ಯ ಕಲ್ಯಾಣ ನಿಗದಿ ವಿಭಾಗ

ಇವನ/ಳ ಜನ್ಮಸ್ಥಳ.....

ಜಾತಿ ಇರುತ್ತದೆ. ನಮ್ಮ ಶಾಲಾ ದಾಖಲಾತಿ ರ.ನಂ. 68/1999

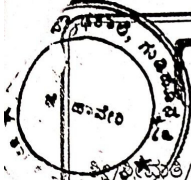
ಪ್ರಕಾರ ಇರುತ್ತದೆ. ಅಂತಾ ಬರೆದುಕೊಟ್ಟ ಶಾಲಾ ಪ್ರಮಾಣ ಪತ್ರ

ದಿನಾಂಕ : 27-06-2018

ಸ್ಥಳ : ನೌಡಿಕೊಪ್ಪಳ

ಮುಖ್ಯಸ್ಥಾಧ್ಯಾಯರು
ಸರ್ಕಾರಿ ಪ್ರೌಢಶಾಲೆ, ಗುಡಿಮೊಟ್ಟೆ
ಕಾಡಾಣಬೆನ್ನೂರು ಜಿ.ಹಾವೇರಿ

ಭಾರಂ ದೂರಯುಜ ಸ್ಥಳ : ಸರಸ್ವತಿ ಬುಕ್ ಸ್ಟಾಲ್, ಸ್ಟೇಷನ್ ರಸ್ತೆ, ರಾಣೇಬೆನ್ನೂರು.



ಜಾತಿ ಹಾಗೂ ಜನ್ಮ ದಿನಾಂಕ ದೃಢೀಕರಣ ಪತ್ರ

ಶ್ರೀ ಬಿ. ಶೇಷೇಶ್. ದಾಸಿ

ಸಾಕೇನ..... ಜನ್ಮ ದಿನಾಂಕ : 16-09-1981

ಅಕ್ಷರದಲ್ಲಿ ವ್ಯಾಜ್ಯ ಕೌಂಟರ್ ನಲ್ಲಿ ಬಾಲ್ಯ ಕಲ್ಯಾಣ ನಿಗದಿ ವಿಭಾಗ

ಇವನ/ಳ ಜನ್ಮಸ್ಥಳ.....

ಜಾತಿ ಇರುತ್ತದೆ. ನಮ್ಮ ಶಾಲಾ ದಾಖಲಾತಿ ರ.ನಂ. 22/1994-95

ಪ್ರಕಾರ ಇರುತ್ತದೆ. ಅಂತಾ ಬರೆದುಕೊಟ್ಟ ಶಾಲಾ ಪ್ರಮಾಣ ಪತ್ರ

ದಿನಾಂಕ : 27-06-2018

ಸ್ಥಳ : ನೌಡಿಕೊಪ್ಪಳ

ಮುಖ್ಯಸ್ಥಾಧ್ಯಾಯರು
ಸರ್ಕಾರಿ ಪ್ರೌಢಶಾಲೆ, ಗುಡಿಮೊಟ್ಟೆ
ಕಾಡಾಣಬೆನ್ನೂರು ಜಿ.ಹಾವೇರಿ

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greed of getting some scholarship. It is trite that such act of securing scholarship cannot mask the caste status of the person, which has been granted, affirmed and re-affirmed by validation every time. The solitary circumstance cannot be projected as the reason for cancellation of the caste certificate. If the Tahsildar himself has granted the caste certificate to the petitioner after due enquiry as belonging to Hindu Bhovi, the learned counsel appearing for respondent Nos.1 to 4 is now wanting to project that the Tahsildar has granted the said certificate erroneously, and subsequent Tahsildar has granted it correctly. These submissions are without substance.

9. Therefore, finding no merit in these submissions and in view of the preceding analysis the petition deserves to succeed.

10. For the aforesaid reasons, the following:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated nil-August, 2018 passed by the 2nd respondent and order dated 18th October, 2021

passed by the 1st respondent as per Annexures L & M stand quashed.

- (iii) Consequent on quashing of the aforesaid impugned orders, the petitioner is entitled to all consequential benefits as belonging to Hindu Bhovi caste.

Sd/-

JUSTICE M.NAGAPRASANNA