

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 18th DECEMBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao - Member (J)

Hon'ble Shri P. Srinivasan - Member (A)

APPLICATION No. 1679/86(F)

Shashidhar, Fakirappa Jagateri - Applicant

(Shri Umesh R. Malimath, Advocate)

and

1. The Chief Personnel Officer
Rail Nilayam, South Central Railway
Secunderabad

2. Railway Service Commission
'Anjali', 29, St John's Church Road
Bangalore, by its Member Secretary

- Respondents

(Shri M.Sreerangaiah, Advocate)

This application came up for hearing before
this Tribunal for hearing and Hon'ble Member (J)
Ch. Ramakrishna Rao, to-day delivered the following

O R D E R

In this application the applicant prays for
quashing the order of the South Central Railway (SCR,
for short) dated 26.3.84 (Annexure 'C'). The facts
giving rise to the application, briefly, are as follows:
2. The second respondent called for applications in
1982 for the post of Assistant Station Master (ASM,
for short). As the applicant fulfilled the qualifications
prescribed for the post of ASM, he applied for the same
against the quota for Schedule Caste candidates. In the
caste certificate furnished by the applicant (Annexure 'A'),
it is stated that he belongs to the Hindu Korama (Korawar)
caste. In the Secondary School Leaving Certificate

And

(SSLC, for short) Annexure 'B') against the column 'race and caste (with sub-caste)' Hindu (Korwar) is mentioned. In the communication (Annexure 'C') addressed to the applicant by the first respondent, it is stated:

"It is seen from your school leaving certificate that you belong to 'Karwar' Community which does not appear in the Schedule of SCs. You are therefore ineligible for appointment against SC quota."

Aggrieved by the communication at Annexure 'C', the applicant has filed this application.

3. Shri Umesh R. Malimath, learned counsel for the applicant, contends that it is wrong to assume, as done by the first respondent, that Karwar community is not in the schedule of SCs. Counsel relies on a letter of the Ministry of Home Affairs (MOHA) dated 5.10.1979, addressed to the Secretary to the Government of Karnataka, Bangalore (Annexure 'J') wherein a list of SCs is set out. In the said list 'Korma' is mentioned as SC at No. 54 and against the same 'Korava' and 'Koravar' are mentioned as equivalent names and sub-castes. The SSLC mentions Karwar as the sub-caste to which the applicant belongs. Shri M. Sreerangaiah, learned counsel for the respondents submits that the first respondent in issuing the communication at Annexure 'C' satisfied himself about the correctness of the particulars in the case and SSLC certificates by comparing the same with the contents of letter dated 5.10.1979 of MOHA and it is not therefore open to challenge.

Conf

...5. We

4. We have carefully considered the rival contentions and the material placed before us. In our view, it is not unlikely that 'Korawa' and 'Koravar' appearing in the list of SCs are synonymous. The first respondent should have verified this by addressing the authority, who issued the caste certificate in which it is clearly stated that the applicant belongs to Hindu Korama (Korawar) caste, which is recognised as SC. Without due verification or enquiry, it is not open to the first respondent to issue a communication of the type issued by him (Annexure 'C'). We, therefore, quash the impugned order dated 26.3.1984 of the first respondent. The respondents, however, are at liberty to hold a verification/enquiry afresh in the light of the foregoing observations, giving an opportunity to the applicant to represent his case personally, if he so desires. Such an enquiry shall be held at ^{Hubli and} completed within a period of two months from the date of receipt of this order.
5. In the result the application is disposed off as indicated above. No order as to costs.

Ch. Ramakrishna
Member (J) 18/12/86

P. L. ...
Member (A) 18/12/86