

Sarish Chandra Choudhary

Vs

State of Tripura and Others

Civil Appeal No. 479 of 1986

(Ranganath Misra, G. L. Oza JJ)

21.04.1987

ORDER

1. This appeal by special leave calls in question the judgment of the Gauhati High Court dated March 18, 1985, dismissing the writ petition of the appellant. The appellant, a resident of Tripura State maintained before the High Court that he belongs to Laskar Community which has been treated within the State as a Scheduled Tribe and all the benefits available to members of the Scheduled Tribes were enjoyed by the community to which the appellant belongs. Without any justification the State Government in 1976 decided to treat the Laskar community as not belonging to the Scheduled Tribes and issued instructions to implement the decision of the Government. Aggrieved by such action, the appellant had approached the High Court by way of a writ petition for appropriate directions to continue to treat the appellant and members of his community as belonging to the Scheduled Tribes and to extend the benefits available to the members of the Scheduled Tribes to the appellant and the members of the community.

2. The record before us shows that the people of the Laskar Community have been treated as members of the Scheduled Tribes and there have been some letters from the Government of India to State Government in support of that position; it is, however, a fact that there has been no clear inclusion of the Community as such in an appropriate Presidential Order. The appellant has maintained that even in the absence of such a clear specification in a Presidential Order, as a subgroup under one of the notified categories, the appellant's Community has been enjoying the privileges. We have been told by the learned counsel for the Union of India that the representation made by the appellant and members of his community for inclusion in the Presidential Order under Article 342 of the matter is being looked into and is being placed before the Parliamentary Committee in accordance with the prescribed procedure for a review of the position. He has assured us that the Government of India will take steps to finalise the matter at an early date and may in compliance with the procedure as prescribed, take a final decision. In case the community is not included in the Presidential Order, it would be open to the appellant to take such action as may be available in law. In these circumstances, no further orders are necessary to be made by us.

3. It has been pointed out to us that by an interim order from this Court the people of the community were treated as members of the Scheduled Tribe. We commend to the State Government that the same position may be continued till the final order of the Government of India is obtained in this matter.

4. The appeal is accordingly disposed of. There would be no order for costs.

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