

Ramavatar

Vs

State of Bihar and Others

Civil Appeals Nos. 2951-52 of 1997

07.04.1997

ORDER

1. Leave granted.

2. 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 the right of the person has been determined. In this case, the question that arises is whether the appellant really belongs to Scheduled Tribe. With a view to find the genuineness of the status as Scheduled Tribe, we had directed the petitioner to file genealogy 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 got 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 :

"GENEALOGY Late Chilbili Sah | Late Chintaman Sah | Late Him Sah | |-----|-----
-----| | Late Tulsi Sah Late Janki Sah Late Mahabir Sah | |-----|-----
-----| | | Ram Avatar Kaushalya (Widow) Laxmi Narayan (Son) (Daughter) (Son) | |-----
-----Married with Married with late Married to Bagaha, Yashoda Devi Ara
Ganga Pd., Patna District Bettiah, Old District, Old District Motihari Shahabad District | | | | |-----
-----| | | | Rashmi Bala Ushmi Bala Abhijit | (Daughter) (Daughter) (Son) | ... All
are married ... |-----Shashi Bala Nishi Bala Rishi
Bala Pawan Kumar (Daughter (Daughter [Daughter (Gond son married to married to married to
unmarried) O. P. Gond, Raghunath Birendra Sah Patna City, Manjhi Lasia Jharsuguda Patna) P.S.E.
Kurrudeg in Sambhalpur in Semdega in District Ranchi District presently now Gumla Jharsuguda
District) (Orissa)]-----
-----Suman Kumar Sandhya Pragati Gond Raman Kumar (Son unmarried)
(Daughter (Daughter (Son unmarried) married married to in Chapra Ajay Kr., District Patna)
presently Gopal-ganj District)-----##

3. 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.

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