

SUPREME COURT OF INDIA

Rampal

Vs.

State of Haryana

C.A.No.5076 of 2009

(Tarun Chatterjee and R.M.Lodha JJ.)

04.08.2009

JUDGMENT

Tarun Chatterjee, J.

1. Leave granted.
2. This appeal is directed against the judgment and order dated 30th of April, 2008 passed by a Division Bench of the High Court of Punjab and Haryana at Chandigarh in CWP No.4215 of 2007.
3. The appellant, at the relevant point of time, was working as a Constable but he got entry in service by producing a caste certificate showing him as a scheduled caste candidate. It appears that one complaint was made against him that he got the said certificate wrongly, by showing himself as belonging to `Sirkiband' caste whereas in fact he belongs to `Banjara' caste, which cannot be said to be a Scheduled Caste. On enquiry by the Tehsildar, this certificate of the appellant was cancelled. It was the grievance of the appellant that before cancelling the certificate, no opportunity of hearing was granted to him and accordingly, the order of cancellation must be set aside.
4. Challenging the order of cancellation, a writ application was moved by the appellant before the High Court, which, by the impugned order was dismissed.
5. Feeling aggrieved, the appellant filed this special leave petition, which on grant of leave was heard in presence of the learned counsel for the parties.
6. We have heard the learned counsel for the parties and examined the impugned order and other materials on record. In our view, the appeal is liable to be allowed and the impugned order should also be set aside on a very short point. It is an admitted position that before cancellation of the caste certificate of the appellant, the authorities ought to have given an opportunity of hearing to the appellant and also to contend that the Certificate issued to him was a Scheduled Caste Certificate and, therefore, it cannot be quashed. In view of the fact

that the principles of natural justice was admittedly violated in this case, the impugned order must be set aside and the concerned Tehsildar must be directed to decide the dispute regarding the caste certificate of the appellant after giving hearing to the parties and after passing a reasoned order, preferably within three months from the date of supply of a copy of this order to him.

7. The impugned order is set aside. The appeal is thus allowed to the extent indicated above. There will be no order as to costs.