

**FINAL ORDERS OF THE STATE LEVEL SCRUTINY COMMITTEE ON THE ALLEGED FAKE CASTE CERTIFICATE CASE (FILE NO. XVI-39/2012) OF SMT. PREMASHILA BHUYAN W/O-BAILOCHAN BEHERA AND D/O-RATNAKAR BHUYAN VILLAGE-SABRANG, P.S-BHADRAK RURAL, DIST-BHADRAK ON 09.08.2019.**

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Whereas a Complaint petition from one Kedar Bhuyan of village Guagadia, Basudevpur, district - Bhadrak, Odisha was received through the R&DM Deptt. by the RDC-Cum-Chairman, State Level Security Committee(here in after to be called as "SLSC") Central Division, Cuttack on 10.08.2012 alleging that Ms. Premashila Bhuyan W/O-Bailochan Behera and D/O-Ratnakar Bhuyan alias Sarbeswar Bhuyan of Village-Sabrang, P.S-Bhadrak Rural, Dist-Bhadrak, at present working as a regular Primary Teacher of Sabrang NDMME School of Bhadrak Block (here in after to be called as "the alleged") has availed Scheduled Tribe (ST) reservation benefit for appointment as teacher under ST reserved quota on the basis of the fake "BHUYAN" Scheduled Tribe Certificate although she belong to Khandayat caste by birth.

Whereas, the case was sent to the District Vigilance Cell (DVC), of Bhadrak district vide this office Letter No.9758 dt.29.08.2012 for conducting enquiry in pursuance of the judgment of the Hon'ble Supreme Court dt.02.09.1994 in the case of Madhuri Patil and Others-versus-Additional Commissioner, Tribal Development, Maharashtra and others in Civil Appeal No. 5854 of 1994 and furnish the enquiry report.

Whereas, the same case was enquired by the Investigating Officer (I.O) of the DVC, Bhadrak, who submitted the enquiry report to the Joint Director, SSD & Member Convener, SLSC vide Letter No.536 dtd.01.03.2014 & on receipt of the enquiry report, it was verified and found lacking genealogy and other details like report from native Tehsil, land documents, Statement of the alleged, statement of Sarpanch & village school admission register etc of the alleged. Hence DSP, Bhadrak was again directed to enquire into this aspect and furnish the required detailed genealogy of the paternal kins of the alleged and other documents vide letter No.1537 dtd.23.05.2016.

Whereas, after receipt of the required information, the enquiry report along with all enclosures and allegation petitions were sent to the alleged person with a direction to submit her show cause reply within fifteen days after receipt of the notice vide letter No. 5525/SSD dated 24.05.2018 by speed post. In response the alleged submitted her show cause reply dtd. 22.06.2018 that was received on dt.27.06.2018 asserting that she belongs to the Scheduled Tribe - Bhuyan. Then the alleged, the complainant, as well as the witness were issued notice vide letter No. 9872, 9873 & 9874, dt.03.11.2018 respectively by the Joint Director, SSD to appear before the SLSC on date 12.11.2018.

Whereas, the case was placed before the SLSC on 12.11.2018. The alleged appeared before the SLSC and was heard by the committee and she submitted her written statement of defence refuting the enquiry findings. The complainant and witness were absent on call.

Whereas, as per the direction given by the Hon'ble Supreme Court in Para 6(c) on their judgment dated 02.09.1994 in Civil Appeal No.5854 of 1994 in the matter of Kumari Madhuri Patil and others -Vrs- Additional Commissioner, Tribal Development, Maharashtra and



others, a copy of the enquiry report along with the show cause reply of the alleged and her deposition recorded during her personal appearance before the SLSC was sent to the District Welfare Officer (DWO), Bhadrak vide this office letter No. 10724 dtd.05.12.2018 for proclamation in the concerned village / locality by issuing a public notice by beat of drum or by any other convenient mode inviting objection from any persons and associations within fifteen days.

Whereas, the D.W.O., Bhadrak has published the proclamation notice inviting objections from the locality and has returned the notice with due service vide his letter No. 1362, dt.11.07.2019. No objection petitions have been received against the claim of the alleged within the stipulated period.

The SLSC duly considered the I.O's report and other relevant records and observed the following facts and findings.

As per the enquiry findings, the alleged Premashila Bhuyan, D/O-Ratnakar Bhuyan alias Sarbeswar Bhuyan of village-Sabrang, P.S-Bhadrak Rural, Dist-Bhadrak is at present working as a regular Primary Teacher of Sabrang NDMME School of Bhadrak District. On local verification, her schooling details & revenue records, it is revealed that she comes under un-reserved category and as she is Khandayat by Caste.

As per the report of R.I, Kamargaon of Basudevpur Tehsil dtd.07.01.2017, the alleged's natural father Sarbeswar Bhuyan alias Ratnakar Bhuyan S/O-Prabodh Bhuyan alias Chadhei Bhuyan was a resident of village Guagadia. Revenue Supervisor, Basudebpur in his report wtd.05.11.2018 clarified that Chadhei Bhuyan & Prabodh Bhuyan is one & the same person and the caste of Prabodh Bhuyan & Sarbeswar Bhuyan is Khandayat. This is evident from the R.O.R bearing No.351,352 of village Guagadia under Basudevpur Tehsil that has been recorded in the name Bhasakar Bhuyan, Sarbeswar Bhuyan, Sukanti Dei son and daughter of Prabodh Bhuyan, Padmabati Debi W/O- Prabodh Bhuyan, caste Khandayat. Another R.O.R bearing No.465 of village Guagadia under Basudevpur Tehsil has been recorded in the name of Sudhakar Bhuyayn along with others and Sarbeswar Bhuyan S/O-Prabodh Bhuyan, Caste-Khandayat.

Tehsildar, Basudevpur vide Letter No.196 dtd.28.01.2014 to IIC, Basudevpur Police Station & Letter No.965, dtd.27.01.2017 to the Joint Director, SSD & Member Convener, SLSC confirmed that the caste of Sarbeswar Bhuyan, alias Ratnakar Bhuyan S/O- Prabodh Bhuyan of village Guagadia, PS-Basudevpur, Dist-Bhadrak is Khandayat as revealed from the report of R.I Kamargaon & Villagers statement.

The alleged's father Sarbeswar Bhuyan after his marriage to Ms. Arnapurna Samal D/o Mutikanta Samal of Khandayat caste of village – Sabrang, P.S./Dist. - Bhadrak in late 1970s shifted to his father-in-law's place and stayed there as a *Gharjuin*. Then he changed his name from Sarbeswar Bhuyan to Ratnakar Bhuyan.

After some time, he migrated with his family to Lephripada in Sundergarh district and maintained his livelihood by opening a tea stall at Lephripada. While staying there, he took the advantage of his surname Bhuyan and posed himself as a member of Bhuyan tribe. It deserves mention here that among several surnames used by the members of Kandayat caste Bhuyan is one and the Bhuyan tribe has the second largest concentration of population (90