

FINAL ORDERS OF THE STATE LEVEL SCRUTINY COMMITTEE ON THE ALLEGED FAKE CASTE CERTIFICATE CASE (FILE NO. XVI-20/2014) OF SRI DHIRENDRA KUMAR JENA, S/O- BRUNDABAN JENA Vill - BHUSANDAPUR, PS- TANGI, DISTRICT- KHORDHA ON 09.08.2019.

Whereas, a complaint petition was received from Sri Pramod Kumar Mallik by the RDC-cum-Chairman, State Level Scrutiny Committee (herein after to be called as "SLSC"), Central Division, Cuttack on 26.04.2014 alleging that Sri Dharendra Kumar Jena, S/O- Brundaban Jena, vill-Bhusandapur (Kothighar Sahi), PS- Tangi, Dist- Khordha (herein after to be called as "the alleged") has fraudulently obtained a fake Scheduled Caste (SC) certificate from the Tehsil Office, Bhadrak and has got appointment as Train Driver at Talcher under Khordha Railway Division under SC reserved quota on the basis of the said certificate although he belongs to General category.

Whereas, the case was sent to the Deputy Superintendent of Police of District Vigilance Cell (DVC), Khordha vide this office letter No. 7898, dt.06.06.2016 for conducting enquiry in pursuance of the judgment of the Hon'ble Supreme Court dt. 02.09.1994 in the case of Kumari 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 DVC, Khordha who submitted the enquiry report to the Joint Director, SSD & Member Convener, SLSC vide Letter No.524, dt.14.02.2017. On receipt of the enquiry report, the said enquiry report along with all enclosures and allegation petition were sent to the alleged person with a direction to submit his show cause reply within fifteen days after receipt of the notice vide letter No. 8314/SSD dated 21.07.2017 by speed post. In response to the show cause notice, Sri Dharendra Kumar Jena submitted his show cause reply on dt.16.08.2017 asserting that he belongs to Scheduled Caste (KATIA). Then the alleged, the complainant, as well as the witnesses were issued notice vide letter No. 203, 204, 205, 206 on dt. 03.01.2019 respectively by the Joint Director, SSD to appear before the SLSC on date 14.01.2019.

Whereas, the case was placed before the SLSC on 14.01.2019. The alleged and complainant appeared before the SLSC and submitted their written statements and were heard by the committee and the two witnesses 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 his deposition recorded during his personal appearance before the SLSC were sent to the District

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Welfare Officer (DWO), Khordha vide this office letter No. 4200 dtd.16.04.2019 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., Khordha 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.

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

- I) As per the enquiry findings, the alleged Sri Dharendra Kumar Jena, S/O- Brundaban Jena, Vill- Bhusandapur (Jaganathpur Patna and now Kothighar Sahi), G.P. Bhusandapur, PS- Tangi, Dist- Khordha belongs to **KHATIA** caste which has not been recognized as a Scheduled Caste till the year 2015 and therefore till then he was coming under General Category. During that time, he has fraudulently obtained a Scheduled Caste Certificate from the Tehsildar, Bhadrak as belonging to **KATIA** caste vide Misc Case No. 294/92 dated 22.05.1992 and on the basis of this SC certificate he has availed the benefit of reservation for entering into public service as a Train Driver in Indian Railways.
- II) During 1980s, Brundaban Jena, the father of the alleged had purchased a piece of homestead land measuring 03 decimals in Rahandia village of Bhadrak Tehsil by executing one Registered Sale Deed mentioning his Caste as **KHATIA**. This plot was mutated vide ROR in khata No. 411/111, Mouza - Rahandia of Bhadrak Tehsil in which Brundaban's caste has also been recorded as **KHATIA**.
- III) While Brundaban constructed a house and lived at Rahandia to pursue his business of selling dry fish, his family stayed at his native village Jaganathpur Patna of Bhusandapur village where the alleged got his primary and secondary education and passed HSC Exam. from Balipatpur Refugee High School, Bhusandpur in the year 1992. Then he studied +2 in Bhadtak but could not complete it. As admitted by him in his written statement submitted to SLSC on dt. 14.01.19, he has received Pre-Matric and Post-Matric Scholarships as a SC student during his secondary and +2 education.
- IV) In the year 2009 his father sold out his land at Rahandia, Bhadrak bearing Khata No.411/111 through RSD No.3858/23.10.2009 mentioning his caste as KHATIA with a declaration therein that he does not belong to SC or ST Community.

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- V) Before that, in the year 1983, Brundaban Jena purchased a homestead plot in village Kothighara Sahi near his ancestral house in Jaganathpur Patna in the name of the alleged Dhirendra Kumar Jena 07years minor at that time from one Narayana Patra on 13.07.1983 by executing the Sale Deed in which his caste has been written as “**KHATIA**” and profession as cultivation. In this document he has made the declaration that he does not belong to ST or SC.
- VI) In the ROR of 1971 of Khata No.1 & Khata No. 7, Kissam - Bari and Gharabari respectively of Jaganathpur Patna under Tangi Tehsil standing in the names of Ratan Jena, Baban Jena S/O-Ananda Jena and others being the grandfather and great grandfather of the alleged, the caste is mentioned as “**KHATIA**”.
- VII) In the statement recorded by the Inquiring Officer from the locality, Sri Bidura Behera, S/O-Late Muli Behera and Sri Baikunthanath Behera, S/O-Bhabani Behera residents of Bhusandapur have stated on 09.02.2017 that the alleged is ‘**KHATIA**’ by caste of General category and that there is no person in Bhusandapur G.P belonging to KATIA caste. Most of the people of the village are KHATIA by caste and they are getting Govt. facilities under SC category by obtaining SC caste certificate as ‘KATIA’. Some of them have retired from Govt. service after availing benefits of SC reservation.
- VIII) Sri Brundabana Jena father of Dhirendra Kumar Jena and the alleged has stated before the IO on 09.02.2017 that they belong to KHATIA caste. Dhirendra Kumar Jena has further stated that there is no one belonging to KATIA caste in their locality. Their caste people are called KHATIA and many of them have availed SC reservation benefits as KATIA. Even his son-in-law Sri Pramod Ku. Mallik (the complainant in this case) has done the same.
- IX) Both in his show cause reply and in his deposition before SLSC, the alleged has admitted that, he is **KHATIA** by caste and had obtained his caste certificate as ‘KATIA’ from Bhadrak Tehsil instead of his own native Tehsil in Khordha.
- X) In the Presidential Order dated the 17th August 1950, the caste **KATIA** was enlisted as Scheduled Caste at Sl. No.44 of the SC list of Odisha. Later, in due consideration of the recommendation of Govt. of Odisha, **KHATIA** has been included as a synonym of **KATIA** at Sl. No.44 of the SC list of Odisha by Govt. of India vide Gazette Notification No. 7 dtd. 23.03.2015.
- XI) In the Puri District Gazetteer (1977: 142), the KATIA and the KHATIA are referred as one and the same community whose traditional occupation is fishing.

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- XII) Hon'ble High Court of Orissa has passed an order (No.9 dt.10.10.1991) in OJC No. 3347/87 filed by Fakir Jena and other-Vrs-Union of India and others as cited below.

"The point for examination in this case is whether persons belong to 'Khatias' caste can be regarded as belonging to scheduled caste. The Presidential Order of 1950 has specified 'Katia' as scheduled caste so far as this State is concerned. Shri Patanaik appearing for the petitioners contends that Khatia caste is also a different name of the caste 'Katia'. For this purpose, our attention is invited to ... a copy of the Orissa District Gazetteer in which Katias and Khatias have been treated alike by stating that fishing is the main occupation of these castes. But then, whether any of the petitioners belongs to Khatia caste is a matter to be enquired into by the appropriate authority for which purpose the petitioner shall file appropriate application under the Rules and if it is found that they belong to Khatias, they will be treated as belonging to scheduled caste."

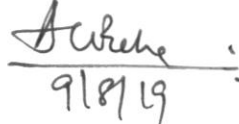
Under the above circumstances, the committee unanimously arrived at the conclusion that though the caste of the alleged is KHATIA, taking into account the relevant statement in the Puri District Gazetteer (1977: 142) and the judgment of Hon'ble High Court as cited above, KHATIA has been recognized as a synonym of KATIA (SC) before the time the alleged obtained his SC certificate from Bhadrak Tehsil in 1992. More over in the mean time, in due consideration of the recommendation of Govt. of Odisha, **KHATIA** has been included as a synonym of **KATIA** at Sl. No.44 of the SC list of Odisha by Govt. of India vide their Gazette Notification No. 7 dtd. 23.03.2015. In view of the above facts, the alleged Dharendra Kumar Jena may be treated as a Scheduled Caste.

The case is disposed off accordingly.

Intimate the order to all concerned with the request to report compliance at the earliest.


Smt. Sumitra Senapati, OAS(I) SB
Joint Director, SSD &
Member-Convener


Sri S.C. Mohanty,
Consultant,
SCSTRTI, BBSR


Sri Arun Kumar Behera OAS (S)
ADM, Khordha


Sri Anil Kumar Samal, IAS
RDC (CD) & Chairman, SLSC