

# IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

**Present:** Dr. Harish Kumar K., I.A.S.  
Deputy Commissioner,  
Uttar Kannada, Karwar.

No. DCB/MAG-II/Misc/CR-03/2020-21

## Between

Smt. Shyamala @ Sheetal W/o Kishor Baadkar  
D/o Ramchandra Bandekar,  
R/o Flat No. 106, 1<sup>st</sup> Floor, Bhagyodaya Apartment,  
Habbuwada, Karwar  
(Represented through Advocate Sri. R.V. Bhat)

...Appellant

V/s

1. Tahasildar,  
Karwar Taluka,  
Karwar.
2. Assistant Commissioner,  
Karwar Division,  
Karwar.



Respondents

**Sub:** Appeal filed U/s 4F of the Karnataka Scheduled Caste, Scheduled Tribes and other backward classes (Reservation of Appointment etc.) Amendment Act 2011.

## Preamble:

The instant appeal has been filed U/s 4F of the Karnataka Scheduled Caste, Scheduled Tribes and other backward classes (Reservation of Appointment etc.) Amendment Act 2011 against the order of Assistant Commissioner, Karwar in file No. AJSK.VIVA.45/2018-19 dated 21-06-2019.

Notices were issued to both the parties. Petitioner entered appearance through her counsel.

## Brief facts of the case are as hereunder:

That the appellant claims that she belongs to "Bandi" caste which according to her was notified as scheduled caste in the Scheduled Caste and Scheduled Tribes Orders (Amendment Act 1976) which came into force on 27-07-1977 and accordingly she obtained caste certificate from the Tahasildar on 07-07-1978. But later, the Tahasildar cancelled the caste certificate as per order No. SWL/SR/38-2018-19 dated 16-07-2018 stating that she does not belong to Bandi caste and in fact, she belongs to Bandhi (ಬಾಂಧಿ) caste which is notified as Backward Class 2A as per Gazette Notification dated 04-11-2002. The appellant challenged the order of the Tahasildar by filing appeal before the Assistant Commissioner. The appeal was dismissed vide order dated 21-06-2019.

Being aggrieved by the order of the Assistant Commissioner, the appellant preferred appeal before this Court on various grounds.

## The Advocate for the appellant argued that-

1. The impugned order passed by the Assistant Commissioner is contrary to law and true facts of the case.
2. The Assistant Commissioner failed to note that the appellant belongs to Bandi caste and not Bandhi caste.
3. The Assistant Commissioner has also failed to note that the Tahasildar had no authority to cancel the earlier certificate granted by him as he is not subordinate of the State Government or the Caste Verification Committee under the relevant Act.
4. The Assistant Commissioner has not at all considered the facts and circumstances of the case in proper perspective.

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Hence on these among other grounds elaborately narrated in his written argument, the advocate for the appellant requested to allow the appeal in the interest of justice and equity.

**The point for consideration before this Court is-**

1. Whether there are sufficient grounds to interfere with the impugned order passed by the Assistant Commissioner Karwar?

Ans. In the Negative.

On perusal of the impugned order in the background of the documents on record, it is seen that the appellant claims that she belongs to "Bandi" caste which according to her was notified as scheduled caste in the Scheduled Caste and Scheduled Tribes Orders (Amendment Act 1976) which came into force on 27-07-1977 and accordingly she obtained caste certificate from the Tahasildar on 07-07-1978. But later, the Tahasildar cancelled the caste certificate as per order No. SWL/SR/38-2018-19 dated 16-07-2018 stating that she does not belong to Bandi caste and in fact, she belongs to Bandhi (ಬಾಂಧಿ) caste which is notified as Backward Class 2A as per Gazette Notification dated 04-11-2002. In this regard, it is pertinent to note that there is similarity in between the words Bandi and Bandhi. The word Bandi is spelled as ಬಾಂಧಿ in Kannada and the word ಬಾಂಧಿ in Kannada is spelled as Bandhi in English. Admittedly, "Bandi" (ಬಾಂಧಿ) caste is notified as scheduled caste in Karnataka Scheduled Caste, Scheduled Tribes and other backward classes (Reservation of Appointment etc.) Amendment Act 2011 which came into force on 27-07-1977. Bandhi (ಬಾಂಧಿ) caste is notified as Backward Class 2A as per Gazette Notification dated 04-11-2002. In these background, the learned Assistant Commissioner has referred to all the relevant documents including the school certificates of the appellant and other relevant documents in the background of the government circulars and relevant provisions under law and came to the conclusion that the appellant belongs to Bandhi (ಬಾಂಧಿ) caste which is Backward Class II A as per Gazette Notification dated 04-11-2002 and not Bandi (ಬಾಂಧಿ) caste which is classified as Scheduled caste under Scheduled Caste and Scheduled Tribes Orders (Amendment Act 1976). Hence, I do not find any error committed by the Assistant Commissioner in dismissing the appeal. There are no valid grounds to allow the appeal and consequently, I proceed to pass the following order:

**No. DCB/MAG-II/Misc/CR-03/2020-21**

**Date:01-02-2021**

**Order**

Appeal is dismissed. The order No. AJSK.VIVA.45/2018-19 dated 21-06-2019 passed by the Assistant Commissioner, Karwar is upheld.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 01-02-2021)



**Deputy Commissioner,  
Uttar Kannada, Karwar.**

- Copy to:
1. Advocates S. H. V. Bhat for information.
  2. Assistant Commissioner, Karwar for information and necessary action with lower court file no. AJSK.VIVA.45/2018-19 dated 21-06-2019 page No. 1 to page No. 118.
  3. Tahasildar Karwar for information and necessary action.