

PETITIONER:
RAMAVATAR

Vs.

RESPONDENT:
STATE OF BIHAR & ORS.

DATE OF JUDGMENT: 07/04/1997

BENCH:
K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:
O R D E R

Leave granted.

The appellant claims for promotion as Engineer-in-Chief on the basis of a the basis of a Scheduled Tribe Status. In the judgment in Major Yogendra Narain Yadav vs. State of Bihar & Ors., the right of the person has been determined. In this case, the question arises is: whether the appellant really belongs to Scheduled Tribe? With a view to find the genuineness of the status as Scheduled Tribes, we had directed the petitioner to file geneology 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 done 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:

"G E N E O L O G Y
Late Chilbili Sah

:

Late Chintaman Sah

:

Late Hira Sah

:

: : :
Late Tulsi Sah Late Janki Sah Late Mahabir Sah

:
Ram Avatar
(Son)
:

:
Kaushalya
(Widow)
:

:
Laxmi Narayan
(Son)
:

Married with
Yashoda Devi
Ara District
Old Shahabad
District.
:
:

Married with late
Ganga Pd., Patna

Married to Bagaha
District Bettiah,
Old District
Motihari
:

:	:	:	:
:	Rashmi Bala	Ushmi Bala	Abhijit
:	Daughter	Daughter	Son
:			
:	 All are married ...		

:

-							
Shashi	Nishi	Rishi	Pawan	Suman	Sandhya	Pragati	Raman
Bala	Bala	Bala	Kumar	Kumar		Gond	Kumar
Daughter	Daughter	Daughter	Gond	Son	Daughter	Daughter	Son
married	married	married	son	unmarried	married	married	un-
to O.P.	to	to	Un-		to	to Ajay	marrie
d							
Gond,	Raghunath	Birendra	married		Chapra	Kr.,	
Patna	Manjhi	Sah Jhar-			District	Patna	
City	Lasia	suguda in			presently		
Patna	P.S.E.	Sabalpur			Gopalganj		
	Kurrudeg	District			District		
	in	presently					
	Semdega	Jharsuguda					
	in the	(Orissa)					
	Ranchi						
	District						
	now Gumla						
	District						

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 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.

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