



2025:AHC:208671

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 41457 of 2024

Jitendra Sahani

.....Applicant

Versus

State of U.P. and another

.....Respondents

Counsel for Applicant	:	Patsy David, Vandana Henry
Counsel for Respondents	:	Government Advocate

Court No. -82**HON'BLE PRAVEEN KUMAR GIRI, J.**

1. Learned counsel for the applicant submits that he has filed the instant application under Section 482 Cr.P.C. with the relief which has been mentioned in the prayer clause of the application.

2. The **relief** which has been mentioned in the application is delineated below:-

"It is, therefore most respectfully prayed that this Hon'ble court may kindly be pleased to allow this application and quash the entire proceeding including the impugned Charge Sheet dated 11.03.2024 as well as Cognizance/ Summoning Order dated 24.07.2024 passed by Learned Additional Chief Judicial Magistrate/Civil Judge (Senior Division), Maharajganj in Case No. 13312 of 2024 (State Versus

Jitendra Sahani) arising out of Case Crime No. 320 of 2023, Under Sections 153-A, 295-A of I.P.C., Police Station Sinduriya, District-5 Maharajganj, pending in the Court of Learned Additional Chief Judicial Magistrate, Maharaigani.

It is further prayed that this Hon'ble Court graciously be pleased to stay the further proceeding of Case No. 13312 of 2024 (State Versus Jitendra Sahani) arising out of Case Crime No. 320 of 2023, Under Sections 153-A, 295-A of I.P.C., Police Station-Sinduriya, District- Maharajganj, pending in the Court of Learned Additional Chief Judicial Magistrate, Maharajganj, during the pendency of the present application before this Hon'ble Court, otherwise the applicant shall suffer an irreparable loss and injury, And/or to pass such other further order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case."

3. Ms. Vandana Henry and Patsy David, learned counsel for the applicant submit that the applicant has obtained prior permission/order from Sub Divisional Magistrate, Maharajganj to preach words of Jesus Christ to public at large on his own land by moving an **application**. The application dated 03.04.2023 is reproduced below :

सेवा में,

श्रीमान, जिलाधिकारी महोदय,

विषय:- प्रार्थना स्थल पर अवरोध उत्पन्न करके पाठ बन्द करने के सम्बन्ध में एवं जगत ज्योति चैरीटेबल (ट्रस्ट) के माध्यम से संतसंग करने के सम्बन्ध में।

श्रीमान जी,

निवेदन है कि प्रार्थी जितेन्द्र साहानी पुत्र लल्लन साहानी ग्राम मथनिया पोस्ट लक्ष्मीपुर एकडंगा तहसील सदर थाना सिन्दुरिया जिला महाराजगंज का निवासी हूँ। भारतीय संविधान द्वारा प्रवृत्त मौलिक अधिकारों एवं भारतीय कानून का पालन करते हुये प्रार्थी प्रार्थना कार्य प्रति रविवार और बुधवार को अपनी निजी जमीन में कुछ समय से बिना किसी भेद भाव से चल रहा है।

पर बिते कुछ समय से पुलिस प्रशासन एवं कुछ अराजक तत्वों के द्वारा प्रार्थना व पुजा पाठ बन्द करा दिया गया और पुलिस प्रशासन तथा कुछ अराजक तत्वों के द्वारा प्रार्थना एवं पुजा पाठ बन्द करा विद्या गथा पूर्व प्रशासन द्वारा एवं अराजक तत्वों द्वारा धमकी दिया गया कि प्रार्थना सभा भत चलाना नहीं तो सभी लोगों को जेल में डाल दिया जायेगा

इस प्रकार निदान्त आवश्यक है कि प्रार्थना सभा में सैकड़ों यीशु भक्तगण सभी समुदाय से आते हैं एवं आपस में प्रेम अखण्डता और एकता के प्रतिबल जाते हैं। इस प्रार्थना सभा में प्रशासन द्वारा बिना किसी लिखिए। प्रार्थना पत्र के बिना डाला जाया यीशु भक्तों को दुःखी कर रहा है। प्रशासन द्वारा समाज के विधनकारी असामाजिक तत्वों के साथ मिलकर इस तरह का शान्ति भंग का कार्य हो रहा है उसे बन्द कराने का तत्काल आदेश जारी किया जाय ताकि पुलिस प्रशासन के ऊपर लोगों को विश्वास बना रहे एवं शान्ति कायम रहे

प्रशासन से निवेदन है कि मौके पर जाँच करायी जाय वहा पर कोई धर्म परिवर्तन का काम नहीं होता है न ही धर्म के विरोध में सिखाया जाता है शान्ति का संदेश सिखते हैं इसके पूर्व में श्रीमान उपजिलाधिकारी महोदय जी को घटना अवगत कराते हुये ताकि किसी प्रकार की सत्यसंग में कोई बाधा उत्पन्न न हो दिनांक- 17.10.2022 को प्रार्थना पत्र दिया परन्तु कोई कार्यवाही नहीं हुयी।

Jitendra Sahani

4. She further submits that after withdrawing permission order dated 03.05.2023, the Sub Divisional Magistrate, Maharajganj has passed **order dated 10.12.2023** mentioning therein that the applicant has installed a tent (pandaal) at Baluahi Dhus Chauraha i.e. public place, where he is used to organize prayer meeting of Jesus Christ amongst large number of people and tried to convince them about accepting christianity because of that there is breach of law and order. Order dated 10.12.2023 is being quoted below for ready reference :

कार्यालय उप जिला मजिस्ट्रेट, सदर महाराजगंज।
पत्रांक / फौजदारी अहलमद-2023 दिनांक 10 दिसम्बर, 2023
आदेश

उप जिलाधिकारी सदर के द्वारा दिनांक 03.05.2023 को थानाध्यक्ष सिन्दुरिया की आख्या दिनांक 03.05.2023 के आधार पर आवेदक श्री जितेन्द्र सहानी पुत्र लल्लन सहानी, नि०ग्राम मधनियां, पोस्ट लक्ष्मीपुर एकडंगा, थाना सिन्दुरिया को स्वतः की जमीन पर प्रत्येक रविवार को ईशा-मसीह के उपदेशों को मौके पर उपस्थित जन मानस को सुनाने तथा प्रार्थना आदि को कार्यक्रम करने की अनुमति प्रदान की गयी है।

इस सम्बन्ध में थानाध्यक्ष सिन्दुरिया के द्वारा प्रेषित आख्या दिनांक 10.12.2023 में कहा गया है कि थाना क्षेत्र के ग्राम मधनियां निवासी श्री जितेन्द्र सहानी पुत्र लल्लन सहानी, बलुअही धूस चौराहे के पास पण्डाल लगाकर लोगों को एकत्र कर ईशा-मसीह की प्रार्थना सभा एवं उनके उपदेशों को आम जनमानस में प्रसारित करने का कार्यक्रम प्रत्येक रविवार को किया जाता है, जिसमें दूर-दूर से काफी लोग एकत्र होते हैं। आयोजक जितेन्द्र सहानी उपरोक्त के द्वारा इस कार्यक्रम के माध्यम से जनता एवं आम जनमानस को ईसाई धर्म मानने के लिये लोगों को प्रेरित किया जाता है तथा ईसाई धर्म के फायदे पूजा प्रार्थना से गिनवाये जाते हैं, जिससे आस-पास के ग्रामीणों में नाराजगी व्याप्त है तथा काफी लोग आक्रोशित हैं।

थानाध्यक्ष सिन्दुरिया द्वारा उपरोक्त परिस्थितियों को ध्यान में रखते हुये पूर्व उप जिलाधिकारी सदर द्वारा दी गयी अनुमति को निरस्त करने की आख्या प्रस्तुत की गयी है। यह भी कहा है कि प्रार्थना सभा की अनुमति नहीं प्रदान किया जा सकता है। मौके पर आस पास के लोगों द्वारा क्षोभ व्यक्त किया जा रहा है। अतः अनुमति निरस्त किया जाय।

थानाध्यक्ष सिन्दुरिया की आख्या से स्पष्ट है कि जितेन्द्र सहानी के द्वारा आम-जनमानस को ईसाई धर्म अपनाने जाने के लिये प्रलोभन/प्रेरित किया जाता है, जिससे आस-पास के ग्रामीणों में नाराजगी है तथा लोग आक्रोशित हैं।

उपरोक्त तथ्यों के आधार पर थानाध्यक्ष सिन्दुरिया की आख्या दि० 03.05.2023 के आधार पर तत्कालीन उप जिलाधिकारी सदर द्वारा दिनांक 03.05.2023 को दी गयी अनुमति निरस्त की जाती है। थानाध्यक्ष सिन्दुरिया, जितेन्द्र सहानी पुत्र लल्लन सहानी ग्राम मधनिया थाना सिन्दुरिया को सूचित करें।

उप जिला मजिस्ट्रेट, सदर
महाराजगंज।

संख्या 118 / तददिनांकित।

5. The counsel further submits that thereafter **an FIR** has been lodged against the applicant as Case Crime No.320 of 2023 under section 153-A, 295-A IPC. The counsel further submits that after conducting investigation, **chargesheet** has been submitted under the **same sections** whereas the witnesses have not supported the prosecution version as contained in the FIR.

6. Per contra, Sri Pankaj Tripathi, learned Additional Government Advocate submits that as per **Section 196(1) Cr.P.C.**, the **Government of U.P.** has **granted sanction** vide Government **Order dated 11.03.2024** being U.P. Shashan 1/515834/2024 File No.614099/367/2024() 1448 U.P. Shashan Grih (Police)

Anibhag 14 Sankhya 591 E.O. 0/6 Pol.142403 Abhi./24 Lucknow to proceed in the matter and same has been transcribed in the case diary as Parcha no.C.D.13. Learned A.G.A. further submits that witness **Buddhiram Yadav** has also supported the version of FIR and **witness Lakshman Vishwakarma** s/o Sukai in his statement recorded under section 161 Cr.P.C. as transcribed in Parcha no.8 dated 10.12.2023 has given statement against the accused applicant that **earlier the applicant was Hindu** and now he is **Padri (Priest) of Christian** community and also made an allegation that on allurements to poor people, he wants to convert the persons of hindu religion as christians. The witness has further alleged that the applicant accused used filthy, abusive and absurd language about hindu deities. All these things have been transcribed in his statement. Statement of Lakshman Vishwakarma is being quoted below :-

"बयान गवाह श्री लक्ष्मण विश्वकर्मा पुत्र सुकई निवासी मथनिया थाना सिन्दुरिया जनपद महाराजगंज उम्र करीब 53 वर्ष पूछताछ पर बता रहे हैं कि मैं ग्राम मथनिया का रहने वाला हूँ तथा मेरा घर जितेन्द्र साहनी के खेत के पास बलुवही धुस चौराहे के बगल में स्थित है, साहब मैं हिन्दू धर्म मानने वाला सनातनी व्यक्ति हूँ। मेरे ही गाँव का जितेन्द्र साहनी जो कि पहले हिन्दू धर्म को मानता था जाति से केवट बिरादरी का है। **बाद में ईसाई धर्म अपनाकर पादरी बन गया है।** बलुवही धुस चौराहे के बगल में अपने खेत में करीब डेढ़ वर्ष पूर्व से ईसाई धर्म के प्रार्थना सभा की आड़ में कार्यक्रम करता है। जहाँ पर हिन्दू धर्म के देवीदेवताओं के बारे में अपने भाषण से अपमानित करने का काम करता है। अपने भाषण में उसके द्वारा यह भी कहा जाता है, कि हिन्दू धर्म को आप लोग सदियों से मानते रहे हैं। इसमें कई हजार देवीदेवता हैं किसी के आठ हाथ हैं किसी के चार हाथ किसी के पाँच मुख मुख हैं किसी के मुख में सूड़ सूड़ ल लगा है। किसी को पूजा पाठ में कोई चीज चाहिये किसी देवता को कोई चीज चाहिये किसी को मुर्गे का भोग कोई चूहे की सवारी करता है तो कोई मोर की कोई पानी में रहता है तो कोई पेड़ पर, कोई भाँग पीता है तो कोई गाँजा पीता है यह कहकर खिल्ली उड़ाता है। तथा हिन्दू धर्म के मानने वाले तथा उनके धार्मिक विश्वासों का तथा हिन्दू धर्म के देवीदेवताओं का अपमान धर्म भाषा के आधार पर करता है। मुझसे भी कई बार वह इस तरह की बात किया है, कि आप लोग हिन्दू धर्म के चक्र में पड़े हैं, जिसमें तमाम

देवीदेवता एवं जाति पात है। इसमें कोई ऊँचा कोई नीचा है। आपको पूरा सम्मान इस धर्म में नहीं मिलता है। ईसाई धर्म को मानने से देखिए कितने लोगो की नौकरी लग गई कितने लोगो के व्यापार में वृद्धि हो गई। रोग एवं बीमारी ठीक हो गई। यदि आप लोग चाहे तो मैं इसके लिए अपनी मिसिनरी से आर्थिक लाभ भी दिलवा दूंगा। किन्तु मैंने कहा मैं सनातनी व्यक्ति हूँ। हिन्दू धर्म को ही मानता हूँ। मैं किसी अन्य धर्म को नहीं अपनाऊँगा उसके इन सब बातों से मुझे काफी कष्ट हुआ तथा उसके इस प्रकार भाषण देने से समाज के विभिन्न वर्गों में शत्रुता का भाव एवं आपस में वैमनस्यता बढ़ रही है। उसके इस कृत्य से हिन्दू धर्म के मानने वाले तथा था उनके धार्मिक विश्वासों का अनादर सादर दुर्भावना पूर्ण इरादे से किया गया है। तथा इससे साम्प्रदायिक सद्भाव बिगड़ने की आशंका हो गई थी। इसी तरह का प्रयोजन जितेन्द्र साहनी द्वारा दिनांक 10.12.23 को दोपहर में भी किया जा रहा था। जिसकी सूचना किसी ने पुलिस को दिया था। पुलिस के मौके पर आने पर उसने अपना कार्यक्रम बन्द कर दिया था। बाद में मैंने सुना कि इस सम्बन्ध में गाँव के चौकीदार बाबूराम द्वारा जितेन्द्र साहनी के विरुद्ध थाने पर जाकर मुकदमा लिखवाया गया है। साहब मुझे जो जानकारी थी वह आपको सहीसही बात बता दिया इस प्रकार गवाह ने अपना बयान दिया। बयान अंकित किया गया।"

7. Learned A.G.A. relying on statement of aforesaid witness recorded under section 161 Cr.P.C. further submits that the permission which was granted to the applicant for organizing prayer meeting has rightly been withdrawn by the Sub Divisional Magistrate. He further submits that State has also granted sanction in this matter to proceed against the applicant under section 153A and 295A IPC.

8. It is an admitted fact that statement of a witness recorded under section 161 Cr.P.C. is not an evidence and such statement is only for contradicting or corroborating the statement of a witness recorded on oath as examination-in-chief and cross-examination at the stage of trial. It is also settled law that this Court cannot conduct trial and the same can only be done by the trial court. As such, in the opinion of this Court, the present application lacks merit and is, accordingly, **dismissed.**

9. However, it is always open to the applicant to move a discharge application before the trial court raising all his grievances including the plea that ingredients of Section 153A as well as Section 295A IPC are missing in the FIR as well as material collected during investigation, no case under aforesaid sections in made out against him.

10. It is pertinent to mention here that learned A.G.A. has drawn attention of this Court towards the fact that as per statement of witness Lakshman Vishwakarma, the applicant, who belonged to Hindu community, has accepted Christianity and held the post of Padri (Priest), whereas, in the affidavit filed in support of this application, he has mentioned his religion as Hindu. The said part of the affidavit is pasted below :

 **HIGH COURT OF JUDICATURE AT
ALLAHABAD**

AFFIDAVIT
IN
CRIMINAL MISC. APPLICATION NO. OF 2024
(Under Section 482 of Criminal Procedure Code)
DISTRICT : MAHARAJGANJ

Jitendra Sahani, Son of Lallan Sahani,
Resident of Mathaniya, Police Station-
Sinduriya, District- Maharajganj.
.....**Applicant**

Versus

1. State of U.P. through its Additional Chief Secretary,
Department of Home, Government of U.P. at
Lucknow.
2. Baburam Yadav, Gram Chowkidar Mathaniya, Son
of Late Swaminath Yadav, Resident of Mathaniya,
Police Station- Sinduriya, District- Maharajganj.
.....**Opposite Parties**

Affidavit of Jitendra Sahani,
aged about 30 years, Son of
Lallan Sahani, Resident of
Village- Mathaniya, Post-
Laxmi Ekdanga, District-
Maharajganj, Uttar Pradesh-
273303.
Religion- Hindu
Occupation- Private Job.
Aadhar No. 2277 3542 9489
(Deponent)
I, the deponent above named do hereby solemnly
affirm and state on oath as Under:



11. Before parting with the order, this Court finds it pertinent to mention the relevant provisions of the Constitution (Scheduled Caste) Order, 1950 under which it has been held that no person who belongs to a community other than Hindu, Sikh or Buddhist shall be deemed to be a member of scheduled caste. **The Constitution (Scheduled Caste) Order, 1950** is being quoted below :-

"By virtue of Article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following order, namely-

*1. This Order may be called **the Constitution (Scheduled Caste) Order, 1950.***

2. Subject to the provisions of this Order, the castes, races or tribes or part of, or groups within, castes or tribes specified in Parts to XXII, XXIII, XXIV of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those Parts of that Schedule.

*3. Notwithstanding anything contained in paragraph 2, **no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be member of a Scheduled Caste.***

....."

12. About Scheduled Castes and Scheduled Tribes under Section 2(c) of the SC/ST Act has been mentioned. **Section 2(c) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989** reads as under :

*(c) "**Scheduled Castes and Scheduled Tribes:** shall have the meanings assigned to them respectively under **clause (24) and clause (25) of Article 366** of the Constitution.*

13. The relevant **Articles of Constitution of India** in respect of terms 'Scheduled Castes', 'Scheduled Tribes' are being quoted below :

Article 366

Sub-clause(24) **“Scheduled Castes”** means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under **article 341** to be Scheduled Castes for the purposes of this Constitution;

Sub-clause (25) **“Scheduled Tribes”** means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution;

Article 341. Scheduled Castes

(1) **The President may** with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, **by public notification, specify the castes, races or tribes or parts of or group within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes** in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Article 342. Scheduled Tribes

(1)**The President may** with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, **by public notification specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes** in relation to that State or Union territory, as the case may be.

(2)Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

14. About Hindu and Scheduled Tribe under section 2 of the Hindu Succession Act, 1956 has been mentioned.

Section 2 of The Hindu Succession Act, 1956 is being quoted below :-

Section 2.(1)(a) to any person, who is a **Hindu** by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,

(b) to any person who is a **Buddhist, Jaina or Sikh** by religion, and

(c) to any other person who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation.-- The following persons are Hindus, Buddhists, Jains or Sikhs by religion, as the case may be:--

(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jains or Sikhs by religion;

(b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged;

(c) any person who is a convert or reconvert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any **Scheduled Tribe** within the meaning of **clause (25) of article 366** of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

(3) The expression "Hindu" in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section."

15. Further, this Court finds it pertinent to mention that the term 'Hindu' has been defined Section 2 of the Hindu Succession Act, 1956. As per the Act, "Hindu" includes

Hindus, Buddhists, Jains, and Sikhs, as well as any person who is a follower of the Brahmo, Prarthana, or Arya Samaj. It also covers any other person not a Muslim, Christian, Parsi, or Jew, unless it's proven they are not governed by Hindu law or custom. Furthermore, a person is considered Hindu if they are the child of two Hindu parents or one Hindu parent who was brought up as a Hindu, or if they have been converted or re-converted to Hinduism.

16. Hon'ble Supreme Court in matter of **Soosai and others v. Union of India (UOI) and others, AIR 1986 SC 733** has held that person belonging to Scheduled Castes and converted to Christianity shall not be eligible for assistance under scheme. In para 6 of the judgment it has been held as under:

"6. It is apparent that for the purpose of the Constitution the constitutional provisions relating to Scheduled Castes are intended to be applied to only those members of the castes enumerated in the Constitution (Scheduled Castes) Order, 1950 who profess the Hindu or the Sikh religion. Clearly, if it can be contemplated that a Christian belongs to one of those castes, he is barred by reason of paragraph 3, from being regarded as a member of a Scheduled Caste and is, therefore, not entitled to the benefit of the constitutional provisions relating to Scheduled Castes."

17. Hon'ble Supreme Court in the matter of **K.P. Manu vs. Chairman, Scrutiny Committee for verification of Community Certificate (2015) 4 SCC 1** has held as under :

"34. In our considered opinion, three things that need to be established by a person who claims to be a beneficiary of the caste certificate are (i) there must be absolutely clear cut proof that he belongs to the caste that has been recognised by the Constitution (Scheduled Castes) Order, 1950;

(ii) there has been reconversion to the original religion to which the parents and earlier generations had belonged; and (iii) there has to be evidence establishing the

acceptance by the community. Each aspect according to us is very significant, and if one is not substantiated, the recognition would not be possible."

18. In **C. Selvarani v. Special Secretary-cum-District Collector and Others, 2024 SCC OnLine SC 3470**, the Hon'ble Supreme Court held that upon conversion to Christianity, an individual ceases to belong to their original caste. The Court further observed that claiming caste-based benefits **merely for the purpose of availing reservation after such conversion** amounts to a **"fraud on the Constitution."** Relevant paragraph of the judgment is quoted below :-

*"15. At this juncture, we may observe that India is a secular country. Every citizen has a right to practise and profess a religion of their choice as guaranteed under Article 25 of the Constitution. One converts to a different religion, when he/she is genuinely inspired by its principles, tenets and spiritual thoughts. However, if the purpose of conversion is largely to derive the benefits of reservation but not with any actual belief on the other religion, the same cannot be permitted, as the extension of benefits of reservation to people with such ulterior motive will only defeat the social ethos of the policy of reservation. **In the instant case, the evidence presented clearly demonstrates that the appellant professes Christianity and actively practices the faith by attending church regularly. Despite the same, she claims to be a Hindu and seeks for Scheduled Caste community certificate for the purpose of employment. Such a dual claim made by her is untenable and she cannot continue to identify herself as a Hindu after baptism. Therefore, the conferment of Scheduled caste communal status to the appellant, who is a Christian by religion, but claims to be still embracing Hinduism only for the purpose of availing reservation in employment, would go against the very object of reservation and would amount to fraud on the Constitution."***

(emphasis supplied)

19. The Andhra Pradesh High Court, in **Akkala Rami Reddy and Others v. State of Andhra Pradesh, Rep. by its Public, 2025 SCC OnLine AP 1685**, has

recently followed the above precedent of the Supreme Court. The High Court clarified that caste-based discrimination does not exist within the Christian faith, and therefore the basis for Scheduled Caste classification stands nullified upon conversion, irrespective of the existence of any previously issued caste certificate. The Court further held that the SC/ST (Prevention of Atrocities) Act is intended to protect communities that historically face caste-based discrimination. Consequently, its protective provisions cannot be extended to persons who have embraced another faith wherein the caste system is not recognized.

20. In view of aforesaid fact, **District Magistrate, Maharajganj** is directed to enquire into the matter regarding religion of the applicant, **within three months** and if he is found guilty of forgery, take strict action against him in accordance with law so that such affidavits may not be filed before this Court in future.

21. Apart from above, **Cabinet Secretary**, Government of India, **Chief Secretary**, Government of U.P. are directed to look into the matter of Scheduled Castes, Scheduled Tribes and other Backward Classes as well as the provisions of law and act in accordance with law, as mentioned above.

22. Principal Secretary/Additional Chief Secretary, Minorities Welfare Department, Government of U.P. is also directed to look into the matter and take appropriate action or pass appropriate order giving direction to the authorities so that law may be executed in reality/true sense.

23. Additional Chief Secretary, Social Welfare Department is also directed to act in accordance with law.

24. All the District Magistrates of State of U.P. are directed to act in accordance with law **within four months** and communicate to the Chief Secretary, State of U.P. and other Principal/Additional Chief Secretary, so that such fraud on Constitution may not occur as per observation made by Hon'ble Supreme Court in case of ***C. Selvarani (supra)***.

25. Learned A.G.A. is directed to communicate this order to the Cabinet Secretary, Government of India/ Chief Secretary, Government of U.P./Principal Secretary/ Additional Chief Secretary, Minorities Welfare Department, Government of U.P. and Additional Chief Secretary, Social Welfare Department and all the District Magistrates within State of U.P. to act upon and take action in accordance with law.

(Praveen Kumar Giri,J.)

November 21, 2025

Manish Himwan