

Court No. - 40

Case :- WRIT - C No. - 32714 of 2023

Petitioner :- Shafiq Ahmad

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Pradeep Kumar,Dinesh Yadav,Mahesh Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri S.C.Upadhayay, learned Standing Counsel for the State-respondent.
2. The present write petition has been preferred assailing the order impugned dated 22.8.2022 (Annexure no. 2 to the writ petition) passed by the respondent no. 3, whereby, the application of the petitioner for issuing Caste Certificate of Merasi Muslim as "Other Backward Class" has been rejected. Alternatively, prayer is made to direct the respondent no. 3 to issue Caste Certificate to the petitioner in view of his fresh representation dated 29.09.2022 (Annexure No. 3 to the writ petition) within stipulated period.
3. Learned counsel for the petitioner submits that the petitioner had applied for issuance of Other Backward Class Certificate with all requisite papers on 22.8.2022. While, passing the order impugned, the respondent no. 3 has declined to issue the certificate only on account of non furnishing the documents i.e. revenue record of fasali year 1359-60, Transfer Certificate of Class 8th and High School Certificate. He submits that even though the said documents were filed prior to cancellation, in case, there were deficient papers, the respondent could easily sent the notice asking for relevant papers but without providing any opportunity, the order impugned has been passed. He submits that in case the matter is relegated and again an opportunity is provided to the petitioner, definitely, he will provide all relevant documents so that his application may be considered in accordance with law. Learned Standing Counsel has no objection to the same.
4. Considering the factual aspect of the matter, we are not inclined

to adjudicate the issue on merit at this stage. The order impugned is set aside. In case, the petitioner moves a fresh application along with requisite documents before the District Level Caste Scrutiny Committee within three weeks from today, definitely, the same would be considered and decided strictly in accordance within six weeks thereafter.

5. With the aforesaid observations, the writ petition is partly allowed.

Order Date :- 19.10.2023

A.K.Srivastava