

Court No. - 40

Case :- WRIT - C No. - 37644 of 2023

Petitioner :- Smt. Maya

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

Counsel for Petitioner :- Rishikesh Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Rishikesh Tripathi, learned counsel for the petitioner and Smt. Shubhra Singh, learned Standing Counsel for the State respondents.

2. Present writ petition has been preferred seeking following reliefs:-

"(i) Issue a writ of certiorari for quashing the order dated 20.4.2023 passed by District Level Caste Committee and judgment and order dated 22/23.09.2023 passed by Regional Level Caste Scrutiny Committee, Banda Respondent no.3 (Annexure No.4 and 7 to this writ petition).

(ii) Issue writ, order or direction directing to the respondent authorities not to withdraw the status of the petitioner as Other Backward Class (OBC) in pursuance of impugned order mentioned above."

3. Learned counsel for the petitioner submits that petitioner's application seeking issuance of caste certificate in her favour has been rejected by the District Level Caste Committee vide order dated 20.4.2023. Thereafter, petitioner preferred Writ Petition No.17217 of 2023 which was disposed of vide order dated 12.7.2023 on the ground of alternative remedy of appeal before the Regional Level Caste Scrutiny Committee. Thereafter, petitioner approached Regional Level Caste Scrutiny Committee taking specific ground that she is widow of Hailendra and has not remarried Ramjas @ Hemant and only residing with him in live-in--relationship. It is submitted that the Regional Level Caste Scrutiny Committee without any vigilant enquiry in the matter regarding caste of the petitioner, has affirmed the order passed by the District Level Caste Committee vide its order dated 22/23.9.2023.

4. Per contra, learned Standing Counsel has vehemently opposed the writ petition on the ground that against the said order the petitioner has got efficacious remedy to assail the validity of the same before the State Level Caste Scrutiny Committee. As such, it is submitted that the writ petition is

liable to be dismissed.

5. We have proceeded to examine the record in question and find substance in the objection raised by learned Standing Counsel. Without expressing any opinion on merits of the issue, with the consent of the parties and in the interest of justice, it is provided that if the petitioner approaches the State Level Caste Scrutiny Committee within two weeks from today, definitely the grievance of the petitioner would be considered on merits and proceedings would be finalized within four weeks thereafter.

6. The writ petition is, accordingly, disposed of.

Order Date :- 1.11.2023

Manish Himwan