

Court No. - 40

Case :- WRIT - C No. - 39338 of 2023

Petitioner :- Ishu Pal (Minor)

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

Counsel for Petitioner :- Rajesh Kumar Pandey

Counsel for Respondent :- C.S.C

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Rajesh Kumar Pandey, learned counsel for the petitioner and Shri S.C. Upadhyay, learned Standing Counsel for the State-respondents.

2. Ishu Pal (Minor) d/o Shr Ashok Kumar has approached to this Court through her father Ashok Kumar seeking a writ, order or direction in the nature of certiorari quashing the impugned order/letter dated 21.09.2023 issued by the Tehsildar, Tehsil Modi Nagar, District Ghaziabad by which the claim of petitioner for issuance of caste certificate under Scheduled Caste category has been rejected.

3. It is claimed that the petitioner belongs to the 'Dhangar' community, which is notified as Scheduled Caste in the State of Uttar Pradesh. The petitioner has applied on-line on 06.09.2023 alongwith supportive evidence for issuance of caste certificate. The said application was rejected by the order impugned dated 21.09.2023 only with the remark that the people belonging to said cast does not reside in the area.

4. Learned counsel for the petitioner vehemently submitted while moving an application the petitioner had also submitted supportive evidence and without assigning any reason in most arbitrary manner, the application was rejected only with remark "(उक्त जाती क्षेत्र में निवासरत नहीं है)". He submits that the claim of petitioner is to be addressed as per law.

5. Per contra, learned Additional Chief Standing Counsel submits that in the matters wherein there is a dispute pertaining to caste, the State Government, in its wisdom, has proceeded to create a three tier system for redressal of such disputes. At the first instance the dispute is to be decided by the District Level Caste Scrutiny Committee, headed by the concerned District Magistrate and, in case, anyone is aggrieved against the decision of district level committee, then remedial forum has

been provided for before the Divisional Level Caste Certificate Scrutiny Committee headed by Commissioner as its chairman and after the decision is taken by the said Committee, if anyone has any grievance, then the matter has to travel before the State Government and same is adjudicated by State Level Caste Scrutiny Committee. In case the petitioner is aggrieved, she may approach the District Level Caste Scrutiny Committee assailing the validity of order/letter dated 21.09.2023.

6. Considering the facts and circumstances, at this stage, we are not inclined to entertain the writ petition on merit. However, it is always open for the petitioner to approach the District Level Caste Scrutiny Committee by moving an appropriate application alongwith supportive evidences. In case any such application is moved, we hope and trust that the Authority concerned would proceed to consider the same and take a final decision in accordance with law, ignoring the order/letter impugned.

7. With the aforesaid, the writ petition stands **disposed of**.

Order Date :- 16.11.2023

Rama Kant