

Court No. - 40

Case :- WRIT - C No. - 40238 of 2023

Petitioner :- Piyush Dhangar Minor

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

Counsel for Petitioner :- Rajesh Kumar Tiwari

Counsel for Respondent :- C.S.C

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Surendra Singh-I,J.

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

2. Present writ petition has been preferred for quashing the impugned order dated 21.9.2023 passed by respondent no.3-Tehsildar by which the application of the petitioner for issuing caste certificate has been denied.

3. The order impugned is challenged on the ground that the District Level Caste Scrutiny Committee has already accorded caste certificate to the father of the petitioner as Scheduled Caste (Dhangar) on 24.8.2023, which is appended as Annexure No.2 to the writ petition. As such it is contended that denial of the claim of the petitioner by one line order 'due to lack of required evidence' is not sustainable. Learned counsel for the petitioner has submitted that similar controversy has earlier been raised before this Court in Writ-C No.24529 of 2023 (Prem Pal Dhangar v. State of U.P. & Ors.), which was partly allowed on 4.10.2023. As such it is submitted that the petitioner being on similar footing is also entitled for similar indulgence. For ready reference, the operative portion of the order dated 4.10.2023 is quoted as under:-

.....3. It transpires from the record that petitioner has applied online for caste certificate under the Scheduled Caste category. Petitioner claims that District Level Caste Scrutiny Committee has considered the matter of petitioner and recommended that Caste Certificate is to be issued under relevant rules and Government Orders. Pursuant to the said direction, the Tehsildar, Tehsil Modi Nagar issued direction dated 27.05.2023 commanding the Revenue Inspector as well as Revenue Lekhpal of Tehsil Modi Nagar for submitting a report in the matter. It is claimed that the Revenue Inspector, Bhojpur, Tehsil Modi Nagar and concerned Lekhpal forwarded their reports to Tehsildar Modi Nagar on 07.06.2023 by which the claim of the petitioner for issuance of caste certificate was duly examined and verified by the authorities concerned. It is further claimed that the petitioner again applied online for issuance of his caste certificate on the basis of earlier mentioned documents and evidences. Ultimately the application of petitioner was rejected by the order impugned and as such, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that the claim of the petitioner is rejected by one liner order, without assigning any reason and the same is liable to be rejected as the claim of

petitioner is already examined and verified by the respondent authorities while submitting reports dated 07.06.2023 and as such, this Court may come to the rescue and relieve of the petitioner.

5. We have the occasion to peruse the record. While passing the order impugned, the claim of petitioner was turned down without assigning any proper reason. We do not appreciate such practice on behalf of welfare State. Everyday such orders are being placed before us, which appears to be passed in cyclosytle manner without any application of mind.

6. Considering the facts and circumstances, we are of the considered opinion that the order impugned cannot sustain in the eyes of law. The order impugned dated 12.07.2023 is set aside. Matter is relegated to the District Caste Scrutiny Committee to scrutinize the claim of petitioner and decide the application on merit but certainly after giving audience to all the stake holders.

7. The writ petition is partly allowed."

4. Considering the facts and circumstances of the case and respectfully considering the judgment cited at Bar, we are of the opinion that the order impugned is not sustainable. Accordingly, the same is set aside. The matter is relegated to the respondent no.3-Tehsildar to consider and decide the claim of the petitioner strictly in accordance with law expeditiously and preferably within six weeks from the date of production of certified copy of this order but certainly taking into account the caste certificate issued in favour of petitioner's father.

5. The writ petition stands **partly allowed** accordingly.

Order Date :- 7.12.2023

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