

Court No. - 17

Case :- WRIT - C No. - 10750 of 2023

Petitioner :- Malika Begum And 3 Others

Respondent :- District Magistrate Shravasti And 4 Others

Counsel for Petitioner :- Hom Narayan Awasthi

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

Petitioner before this Court is assailing the validity of the order dated 05.01.2022 passed by the Tehsil Level Committee of which respondent No. 2 was a member wherein they have proceeded to reject the application of petitioner for issuance of caste certificate.

Section 6 (1) of U.P. Janhit Guarantee Act, 2011 provides for an appeal within 30 days from the date of rejection of application for issuing caste certificate.

In our opinion the rejection of the application for caste certificate, under the scheme of thing provided for, at the first instance has to be challenged in Appeal.

In **Vijay Singh vs. State of UP (2012) 12 UPLBEC 1103** a Division Bench of this Court held that under the U.P. Janhit Guarantee Act, 2011 read with the notification dated 15.1.2011, the first designated officer i.e. Tehsildar is to consider the case of issuance of the caste certificate. The power of issuance of the certificate of an officer includes the power of refusal and that first designated officer is also entitled to pass an order of cancellation of the certificate. The petitioner has a right to file an appeal against the order before the Sub Divisional Magistrate under the U.P. Janhit Guarantee Act, 2011.

In view of this against the order dated 05.01.2022 passed by the Tehsil Level Committee, petitioner has got statutory remedy of appeal before the District Magistrate in consonance with the aforementioned judgment.

Consequently, present writ petition is dismissed on the ground of alternative remedy.

(Alok Mathur, J.)

Order Date :- 12.12.2023

Ravi/