

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 3089 of 2024 (M/S)

Bhupendra Singh Thapa

.....Petitioner

Vs.

State of Uttarakhand and others

..... Respondents

Present : Mr. Prem Prakash Bhatt, Advocate for the petitioner.
Mr. Ganesh Kandpal, Deputy Advocate General for the State of
Uttarakhand/respondent nos.1, 2 and 3.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to an order dated 08.10.2024, passed by the respondent no.3/Tehsildar Tehsil Sitarganj, District Udham Singh Nagar, by which, an application for Caste Certificate, filed by the petitioner has been rejected.

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that he belongs to "Gorkha" Sub-Caste "Thapa" Category; he is a permanent resident of Nanakmatta; his entire education is from the District Udham Singh Nagar; he applied for a Caste Certificate, but it has been rejected on the sole ground that evidences with regard to residence from the year 1985 has not been filed. In para 3 of the petition, it is stated by the petitioner that he has given Birth Certificate, Aadhar Card, Permanent Resident Certificate, Ration Card, Family Register, etc.; these are public documents, of which, copies are filed as Annexure No.1 to the writ petition. But, when the petitioner filed application for Caste Certificate, it has been rejected by the impugned order.

4. In its counter affidavit, State has stated that the petitioner failed to provide any document regarding his permanent resident in the State of Uttarakhand since 1985. Therefore, his application for Caste Certificate is likely to be rejected.

5. Learned counsel for the petitioner would submit that the petitioner is a permanent resident of the State of Uttarakhand; he has been issued Permanent Resident Certificate on 18.09.2023, by the competent authority; his Aadhar Card, Birth Certificate; Ration Card, Family Register, all reveals that he is a permanent resident of the State of Uttarakhand. He has enclosed all these documents along with the application, but that have not been considered.

6. Learned State Counsel submits that the Caste Certificate is issued, as per Government Order dated 02.04.2013 and as per Clause 4 of it, a person needs to meet the conditions of permanent resident before he is issued a Caste Certificate. He also submits that in order to obtain a Caste Certificate, an applicant must have resided in the State of Uttarakhand for 15 years prior to 20.11.2001.

7. In the instant case, the documents have not been considered by the respondent authorities. In para no.3 of his writ petition, the petitioner has stated about the documents that have been issued by the respondent authorities in his favour, which includes, the Permanent Resident Certificate, issued in favour of the petitioner in accordance with Government Order No.2588/Ek-4/Sa.Pra./2001 dated 20.11.2001.

8. In para 3 of its counter affidavit, State has not chosen to reply to it, what has been stated is, it is a matter of records, which means, the Permanent Resident Certificate issued in favour of the petitioner is valid and correct. The Government Order dated 02.04.2013, which provides procedure for grant of Caste Certificate, also states that a person obtaining Caste Certificate must be a permanent resident in view of Government Order dated 20.11.2001. The petitioner has that Certificate. He does not need to file additional document to prove that he has been staying in the State of Uttarakhand 15 years prior to 20.11.2001. His Permanent Resident Certificate ought to have been considered by the authority concerned. In view of it, the petition deserves to be allowed.

9. The petition is allowed.

10. The impugned order dated 08.10.2024 is set aside. The respondent no.3/Tehsildar, Tehsil Sitarganj, District Udham Singh Nagar is directed to process the Caste Certificate Application of the petitioner in view of the Permanent Resident Certificate that has been issued in favour of the petitioner on 18.09.2023, which is part of the Annexure No.1 to the writ petition. The whole process should be completed within six weeks.

(Ravindra Maithani, J.)
10.07.2025

Sanjay