

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1686 of 2015

Prakash Meshram S/o Shyamlal Meshram, Aged About 40 Years R/o Tulsipur, P.S. Tulsipur, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through its Secretary, Department Of Tribal Welfare, Mahandi Bhawan, Naya Raipur, Chhattisgarh
2. Sub Divisional Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh
3. Tahsildar, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Shri R.K. Bhagat, Advocate
For Respondent/State	:	Shri S.P. Kale, Dy. A. G.
Respondent No.2/SDO is also present in the Court.		

S.B. :Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/10/2015

Heard.

1. Learned counsel for the petitioner submits that despite repeated directions issued by this Court that rejection of application for issuance of caste status only on the ground of non-availability of documentary evidence prior to 1950 is not proper, the petitioner's application has been rejected by respondent -SDO only on this ground.
2. Non-availability of documentary evidence prior to 1950 alone could not be a ground to reject application. Before considering whether or not caste status, as claimed, is to be accorded, the competent authority is required to make detailed inquiry. In that inquiry, it may be one of the relevant considerations that the party is not possessed of any material documentary evidence evidencing his caste as claimed, but only on that count, rejection of application cannot be sustained.

3. In view of the above, I am inclined to set aside the impugned order and remand the matter to the concerned Sub Divisional Officer/respondent No.2 for re-consideration of the whole material in accordance with law after holding proper inquiry and affording opportunity to the petitioner to lead proper evidence.
4. The inquiry shall be concluded by respondent No.2/SDO within a period of 3 months from the first date of appearance of the petitioner before him. The petitioner shall appear before respondent No.2 on **5th November, 2015**.
5. The petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge