

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9530 of 2016

Manish Kumar, minor son of Mahendra Prasad Singh, under the guardianship of his father, namely, Mahendra Prasad Singh, resident of village Belaon, P.O. Kharenda, P.S. Belaon Anchal, Rampur, Kaimur, Bhabhua

.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary, General Administration Department, Government of Bihar, Patna.
- 2. District Magistrate, Kaimur at Bhabua.
- 3. Anchal Adhikari, Rampur Anchal, District Kaimur at Bhabua.

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 10207 of 2016

Krishna Kumar Minor son of Virendra Prasad under the guardianship of his father namely Virendra Prasad Resident of village - Belaon, P.O. Kharenda, Police Station - Belaon Anchal, Rampur, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary, General Administration Department, Government of Bihar, Patna.
- 2. District Magistrate, Kaimur at Bhabua.
- 3. Anchal Adhikari, Rampur Anchal, District Kaimur at Bhabua.

.... Respondent/s

Appearance :

(In CWJC No. 9530 of 2016)

For the Petitioner/s : Mr. Jitendra Prasad Singh
Mr. Abhishek

For the Respondent/s : Mr. MANISH KUMAR- GP8
Mr. Mritunjay, AC to GP-8

(In CWJC No. 10207 of 2016)

For the Petitioner/s : Mr. Jitendra Prasad Singh
Mr. Abhishek

For the Respondent/s : Mr. ANJANI KUMAR

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 21-07-2016

Both the writ applications raise common issue inasmuch as
the foundational facts are identical/similar. They have been heard

together with the consent of the parties and are being disposed of by this order.

Heard Mr. Jitendra Prasad Singh representing both the petitioners as well as AC to AAG 6 and AC to GP-8 for the State.

The fathers of both the petitioners were issued caste certificate(s) as 'Kharwar' by the District Magistrate. They had applied before the Circle Officer (the appropriate authority) for issuance of caste certificate(s) of ST category sometimes in April 2016. Owing to non grant of certificate(s) the writ applications have been filed for a direction upon the respondents to issue the caste certificate(s) to the petitioners.

It has been submitted that under Right to Service Act, any such application requires to be addressed within 10 days failing which the authorities are also liable to be penalized. In the case at hand, more than 02 years have elapsed, still the respondents have not acted on the application(s) filed by the petitioner(s) inasmuch as no caste certificate is issued.

The counsel for the State submits that if the respondents have failed to consider the application(s) and issue appropriate caste certificate(s), a direction may be issued to consider the said application(s) and issue necessary caste certificate(s).

Having heard the parties, the writ applications are disposed of by the following order:-

The respondent-Circle Officer, Rampur Anchal, who is said to be the competent/appropriate authority to issue caste certificate, is directed to consider the pending application(s) of the petitioners and

issue caste certificate(s) according to law within 10 days from the date of receipt/production of a copy of this order before the said respondent. Be it noted that the Court has not gone into the merit of the claim of the petitioners that they are entitled to be issued the caste certificate(s) of ST category.

(Kishore Kumar Mandal, J)

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