

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 6057 of 2009**

Kailash Chandra Kol S/o Shri Chhote Lal Kol, aged about 37 years,
Occupation Warder, District Jail Baikunthpur, District Korea
(Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Home Department, DKS, Raipur (Chhattisgarh)
2. the Jail Superintendent, Central Jail Ambikapur, District Surguja (Chhattisgarh)
3. The Sub Divisional Officer (Revenue) Dhamtari, District Dhamtari, CG
4. The Tahsildar, Dhamtari, District Dhamtari, CG

---- Respondents

For Petitioner	:	Shri Dashrath Prajapati, Advocate
For Respondents/State	:	Shri R. K. Gupta, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.02.2016**

Challenge in the present writ petition is the order dated 04.03.2009 passed by respondent No.3 whereby he has refused to issue a permanent caste certificate to the petitioner on the ground that the petitioner has failed to produce documents relating to his or his ancestors being resident of Chhattisgarh prior to 1950.

2. Counsel for the petitioner relied upon W.P.(C) No.3001 of 2008 passed on 09.07.2008 Annexure P-12 wherein in somewhat similar facts and circumstances, this Court had allowed the writ petition directing the Authorities concerned to decide the case of the petitioner therein for issuance of permanent caste certificate afresh without insisting upon the documents relating to his residential proof for the period prior to 1950. He further submits that another fact which is to be noted is that on 27.07.2007 the State of

Chhattisgarh issued an instruction to all the departments in the State of C.G. pertaining to the local residence and held that the persons who were residing under the erstwhile Madhya Pradesh the area which after bifurcation has fallen in the newly created State of Chhattisgarh would also fall even the definition of local resident.

3. State counsel on perusal of the order dated 09.07.2008 does not dispute the same and submits that the present writ petition may be disposed of in the light of the said order dated 09.07.2008 with liberty to the Authority concerned to consider the other requisites which are mandatorily required for issuance of permanent caste certificate except for insisting upon any residential proof of the petitioner or his ancestors prior to 1950.

4. State counsel draws the attention of the Court to the Mark sheets which have been enclosed with the writ petition wherein the surname of the petitioner has been spelt "Kaul" whereas he has been claiming to be a person with surname "Kol".

5. This aspect would also be an issue which would require to be proved by the petitioner ascertaining as to whether his surname is "Kaul" or Kol and which would also be determined by the concerned Authority as the same had not been considered by Authorities at the first instance while passing of the impugned order.

6. In the light of the said observation, the impugned order dated 04.03.2009 Annexure P-1 stands quashed and the matter is referred back to the respondents more particularly the competent Authority who is now authorised to issue the certificate and the said authority in turn shall consider the case of the petitioner on its merit without insisting upon any document regarding residential proof of the petitioner or his ancestors of the period prior to 1950 and also keeping in mind the circular of the State Govt. dated 27.07.2007.

7. Taking into consideration the fact that the impugned rejection order and

the writ petition are of the year 2009, it is expected that the Authority concerned shall take a decision as expeditiously as possible.

8. The writ petition is accordingly allowed and disposed of.

**Sd/-
P. Sam Koshy
Judge**

Bhola