

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 325 of 2016**

1. Chhattisgarh Machhua Mahasangh Reg. No. C. G. State 2577, Through Shri M. R. Nishad, S/o Late B. R. Nishad, Aged About 64 Years, President, Chhattisgarh Machhua Mahasangh R/o Matrachaya, Vrindavan Colony, Jagdalpur, District Batar, Chhattisgarh 494001.
2. Sukhou Ram Nishad, S/o. Shri Sant Ram Nishad, Aged About 58 Years R/o. Village Mahamand, Post Lalkhadan (Railway Station), Tehsil & District Bilaspur 495004 Chhattisgarh

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1. Union of India Through Secretary, Ministry of Tribal Affairs, Ground Floor, D, Wing, Shastri Bhawan, New Delhi 110001
2. State of Chhattisgarh, Through Secretary, Department of Tribal Welfare, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
3. Anthropological Survey of India, Through Director, Anthropological Survey of India, Head Office 27 Jawaharlal Nehru Road, Kolkata, 700016 West Bengal
4. National Commission For Scheduled Tribe, Through Secretary, National Commission For Scheduled Tribe, 6th Floor, B, Wing, Loknayak Bhawan, Khan Market, New Delhi 110003
5. CG State Scheduled Tribe Commission, Through Secretary, CG State Scheduled Tribe Commission, 61 Jal Vihar Colony, Raipur, 492001 District Raipur Chhattisgarh

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For Appellants	: Shri Kishore Bhaduri, Advocate.
For Union of India	: Shri Rajkumar Gupta, Standing Counsel.
For State	: Shri Prafull N. Bharat, Additional Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Deepak Gupta, Chief Justice****13/07/2016**

1. I.A. No.1 of 2016 has been filed to condone delay of 99 days in filing the appeal. For the reasons stated in the application, same is allowed.

2. This appeal is directed against the judgment dated 4.2.2016 passed in Writ Petition No.2008 of 2005. The Learned Single Judge disposed of the writ petition with a direction that the representations may be considered by the Respondents in their own perspective.

3. The only prayer in this writ appeal is that a direction be given to Respondent No.2 to dispose of the representation in a time bound fashion.

4. We are unable to accede to this request because whether a caste is to be declared as Scheduled Caste or Scheduled Tribe is solely within the domain of the Union of India. However, all we can observe is that if any representation is pending, it should be decided one way or the other expeditiously.

5. With the aforesaid direction, writ appeal is disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE