

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 28 of 2016

Pramendra Sahare S/o Shri Kailash Sahare, Aged About 28 Years
R/o Village Bamhanidih, Tahsil Champa, District Janjgir Champa,
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. High Power Caste Certificate Scrutiny Committee, Through Vice President- Cum- Director, Adim Jati Anusandhan Avam Prashikshan Sansthan, State Of Chhattisgarh, Pt. Ravishankar Shukla University, Premises, Raipur, (Chhattisgarh)
3. The Sub- Divisional Magistrate, Champa, District Janjgir Champa, (Chhattisgarh)
4. The Naib Tahsildar, Bamhanidih, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Goutam Khetrapal, Advocate.
For State	:	Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order

25/02/2016

Heard.

1. This is second round of litigation. The petitioner had earlier filed a petition aggrieved by order dated 15.07.2009 by which, Naib Tahsildar refused to issue provisional caste certificate in favour of the petitioner.
2. The petitioner claims that he belongs to "Mahar" caste. According to the petitioner, the petitioner's uncle Dr. Mohanlal Sahare and his father

Kailash Sahare are real brothers. The caste status of his uncle Dr. Mohanlal Sahare has been finally determined by the High Level Caste Scrutiny Committee vide letter dated 28.06.2011. But the respondent authority has not considered the same and rejected the application and overlooking subsequent event and letter dated 28.06.2011.

3. Earlier the petitioner had approached this Court by filing a petition which was disposed off by this Court vide order dated 29.04.2014 directing respondent to consider the claim of the petitioner in the light of Committee's letter dated 28.06.2011. However, I find that again the authority has submitted a report dated 22.09.2014 to higher authority/ SDO who filed memo dated 25.05.2015 addressed to the Collector has opined that the petitioner is not entitled to issuance of certificate.

4. There is considerable force in the submission of learned counsel for the petitioner that once other members of his family have been held entitled to caste certificate of "Mahar", different standard cannot be applied in the case of the petitioner. The petitioner has throughout been stating that he is the nephew of Ramlal Sahare and Dr. Mohanlal Sahare in whose favour orders has been passed on 28.06.2011 by the High Level Caste Scrutiny Committee.

5. Therefore, in these circumstances, the Collector is required to take a decision in accordance with the finding which have been recorded by the High Level Caste Scrutiny Committee on 28.06.2011 in respect of the status of Ramlal Sahare and Dr. Mohanlal Sahare, subject, of course, of factual verification of petitioner's claim that his father Kailash Sahare and Dr. Mohanlal Sahare and Ramlal Sahare are all real brothers and descendant of common ancestor Budguram Sahare. The decision shall be taken by the Collector within a period of three months from the date of receipt of copy of this order.

6. With the aforesaid observations, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E