

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 345 of 2015

1. Om Prakash S/o Shri Tularam Pal, Aged About 21 Years, R/o Village Paragaon, P.S. Aarang, Tahsil Aarang, District Raipur Chhattisgarh
2. Purna Prakash S/o Shri Tularam Pal Aged About 19 Years R/o Village Paragaon, P.S. Aarang, Tahsil Aarang, District Raipur Chhattisgarh
3. Ku. Guneshwari D/o Shri Tularam Pal Aged About 16 Years (Minor), R/o Village Paragaon, P.S. Aarang, Tahsil Aarang, District Raipur Chhattisgarh

The above Petitioner No.3 is minor and is being represented through her Father Tularam Pal S/o Derhuraam Pal, Aged About 49, R/o Village Paragaon, P.S. & Tahsil – Aarang, Distt. Raipur (C.G.)

---- **Petitioner**

Versus

1. Dr. T. Radhakrishnan Director, Scheduled Castes & Scheduled Tribes Development Department Research And Training Institute, Pt. Deendayal Upadhyay Nagar Sector-4, Raipur, Distt. Raipur Chhattisgarh
2. Shri N.K. Xaxa Commissioner, Scheduled Castes & Scheduled Tribes Development Department, Raipur, Distt. Raipur Chhattisgarh

---- **Respondent**

For Petitioners	Shri Chandresh Shrivastava, Advocate
For Respondents	Shri Sunil Otواني, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

04/02/2016

1. In WPC No.1345/2012, this Court relied on its earlier judgment in the matter of Ramsajiwan vs. State of Chhattisgarh and others in WPS No.6616/2008 to direct the contemnors to proceed to scrutinize their

caste status in accordance with law, within a period of 3 months, without insisting on production of land records prior to the year 1950, as land records alone are not the requirement.

2. Though there is some delay in deciding the petitioners' application for grant of caste status certificate, yet by the order dated 24.11.2015 (Annexure-R-7), the petitioners' application has been rejected.
3. Shri Chandresh Shrivastava, learned counsel for the petitioners, would submit that this Court had directed to the respondents to consider the petitioners' case without insisting on production of land records prior to the year 1950, however, the application has been rejected only on this count.
4. Having heard learned counsel for the parties and on perusal of the order dated 24.11.2015, it would appear that there were several documents placed before the Scrutiny Committee, which have been considered, though ultimately one of the reason for disallowing the petitioners' application was non production of proof/record prior to 06.09.1950, whereby the petitioners could prove that their forefathers were '**Dhangad**' prior to 06.09.1950 i.e. the date on which the Presidential order was issued in respect of the State of Chhattisgarh, which was earlier a part of unified Madhya Pradesh.
5. It would clearly appear that the petitioners' application has not been rejected only on the ground that the petitioners have failed to produce the land record prior to the year 1950. The order clearly speaks of records and not land records.
6. If the petitioners feel that the records submitted before the Scrutiny Committee should have been considered in its true perspective, their

remedy lies in preferring a fresh writ petition assailing the order dated 24.11.2015.

7. The present is not a case of willful disobedience of the order passed by this Court.
8. In view of the above, the rules issued against the contemnors are discharged and the contempt petition is disposed of with the aforestated observation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala