

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2791 of 2016

Smt. Sarita Tigga W/o Shri Budhram Ekka Aged About 27 Years R/o Village
Fuljhar, Tahsil- Bagicha, District- Jashpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Women And Child Development Development, Mantralaya, New Raipur, P.S. - Rakhi, District- Raipur (Chhattisgarh)
2. The Commissioner, Surguja Division, Surguja, Ambikapur (Chhattisgarh)
3. The Collector, Jashpur, District- Jashpur (Chhattisgarh)
4. The Chief Executive Officer, Janpad Panchayat, Bagicha (Wrongly Mentioned As Lakhanpur), District- Jashpur (Chhattisgarh)
5. The Project Officer, Integrated Child Development Service Project, Jashpur, District- Jashpur (Chhattisgarh)
6. Smt. Champa Bai W/o Veernath Ram R/o Village- Fuljhar, Tahsil- Bagicha, District- Jashpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Rahul Mishra, Advocate
For State	:	Shri Ajit Singh, Panel Lawyer

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/07/2016

Heard on admission.

1. Learned counsel for the petitioner submits that the benefit of weightage marks of the scheduled tribe candidate has been wrongly withdrawn. Submission is that the petitioner belongs to "Uraon" tribe in relation of the State of Jharkhand and, therefore, on the basis of the caste certificate issued by the authority in the State of Jharkhand, the petitioner was entitled to grant to benefit of weightage

marks as candidate belonging to scheduled tribe category in the State of Chhattisgarh also. The appellate as well as revisional authority committed gross illegality in holding that the petitioner was not entitled to the weightage as scheduled tribe candidate.

2. The prayer of the petitioner cannot be accepted in view of well settled legal proposition that the benefit of scheduled caste and scheduled tribe would be available only in relation to the State to which person belongs. There is no provision in the present case which shows that benefit of reserved category for the purpose of weightage shall be available to scheduled tribe candidate irrespective of the State to which it belongs. Therefore, there is no jurisdictional illegality in the impugned orders.
3. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge