

CWP No.13012 of 2015

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.13012 of 2015
Date of decision:17.08.2016**

Bhagwan Singh @ Ram Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mrs. Rahish Pahwa Dudeja, Advocate,
for the petitioners.

Mr. Anant Kataria, DAG, Punjab.

Rakesh Kumar Jain, J.

The petitioners are aggrieved against the order/letter No.190 dated 11.02.2015 by which issuance of certificate of Kori caste, as prayed by them, has been declined on the ground that they do not belong to Kori caste and rather belong to Thori caste.

Counsel for the petitioners has submitted that Kori caste has been recognized as a Schedule Caste in the State of Punjab. The parents and other members of the family of the petitioners have already been recognized as belonging to Kori caste by virtue of certificate(s) dated 21.08.2009 (Annexure P-2 Colly) issued by the Tehsildar, Budhlada, but when the petitioner(s) applied for the same certificate, it was not issued to them. Consequently, the petitioners had to file CWP No.24462 of 2014 titled as “Bhagwan Singh and others vs. State of Punjab and others”, in which the

CWP No.13012 of 2015

[2]

following order was passed by this Court on 01.12.2014:-

“1. Learned counsel for the petitioner states that his request for issuance of a caste certificate made to the Tehsildar has been responded to by the Tehsildar with a statement that all the papers have been sent to Naib Tehsildar and all the papers are lying with him. The 4th respondent is directed to make enquiry contemplated by law and issue such certificate as the petitioners are entitled if determination of status of scheduled caste is known. Any decision regarding the entitlement or otherwise of the petitioner shall be communicated to him within a period of 8 weeks from the date of receipt of copy of this order.

2. The writ petition is disposed of with the above directions.”

An inquiry was held by the Naib Tehsildar through the field staff/Halqa Patwari but according to the verification, the petitioners do not belong to the Kori caste rather they belong to Thori caste as in District Mansa, there is no Kori caste.

Counsel for the petitioners has submitted that the parents of the petitioners have been issued the certificate of Kori caste but the petitioners have not been considered for the same only on the ground that in the area of District Mansa, the people belong to Thori caste and not to the Kori caste, though the certificate(s) issued to the parents of the petitioners and other members of their family by the Tehsildar, Budhlada, District Mansa are still in operation.

On the other hand, it is averred in the reply and also during the course of hearing that as per the report of the Halqa Patwari of the revenue estate of Bareta, the petitioners belong to Thori caste and some families belonging to Thori caste in the revenue estate of Bareta are doing the manual work of cotton ginning.

CWP No.13012 of 2015

[3]

I have heard learned counsel for the parties and examined the available record.

There is no dispute that the certificate(s) attached with this petition of Kori caste of the parents of the petitioners are issued by none other than the Tehsildar, Budhlada which are still in operation, recognizing them as belonging to Kori caste. If the elders of the petitioners are recognized as Schedule Caste belonging to Kori caste, then how they could be declined the certificate of Kori caste on the ground that Kori caste does not exist in the revenue estate of Bareta, District Mansa? It appears that the respondents have not taken into consideration the caste certificate(s) dated 28.07.2009, attached by the petitioners as Annexure P-2 (colly), issued by the Tehsildar, Budhlada, before passing the impugned order.

Thus, keeping in view the aforesaid facts and circumstances, the present petition is hereby allowed, the impugned order is set aside and the matter is remanded back to the same authority who had passed the impugned order to reconsider the matter in the light of the certificate(s) dated 28.07.2009 (Annexure P-2) and then, after hearing the petitioners, take a considered decision in this regard, as early as possible, preferably within a period of 3 months, from the date of receipt of certified copy of this order.

August 17, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No