

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1049 of 2017**

Siddharth Gaikwad S/o Late Shri Wasudeo Rao Gaikwad, Aged About
54 Years Resident Of B-78, Housing Board Colony, Kota, Raipur,
District - Raipur , Chhattisgarh ----- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, General Administration
Department, Mahanadi Bhawan, New Mantralay, District - Raipur
(Chhattisgarh)
2. The Collector, Mahasamund, District - Mahasamund , Chhattisgarh
3. The Sub Divisional Officer, (Revenue), Sub Division Saraipalli, District
- Mahasamund, Chhattisgarh ----- **Respondents**

For Petitioner : Mr. Siddharth Gaikwad, Petitioner in Person

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/04/2017**

Heard.

1. The petitioner submits that the petitioner belongs to scheduled caste of "Mahar". The petitioner holds a valid caste certificate issued in his favour way back on 20.10.1982. He submits that the certificate is still valid and operative. The petitioner's daughter is a student, who is preparing for NEET examination scheduled to be held on 21.05.2017. The petitioner's daughter is entitled to proper recognition by issuance of a permanent caste certificate. Earlier, temporary caste certificate was issued on 02.09.2016 in favour of the petitioner's daughter Nishtha Gaikwad. However, thereafter, though all the relevant information and documents as required under the law were submitted before the Sub-Divisional Officer (Revenue), Saraipali on 21.11.2016, till date, no order has been passed nor any permanent caste certificate issued. In these circumstances. The petitioner's daughter is apprehending that if caste certificate is not issued in time, she may not be

entitled to claim admission against seat reserved for scheduled caste. It is further submitted that as the application form are required to be submitted well in time, the same has already been submitted but in the event, the petitioner's daughter succeeds and is called for counseling, she will have to produce caste certificate.

2. After going through the pleadings and documents on record, it is found that the petitioner is holding a caste certificate in his favour. The daughter of the petitioner Kumari Nishtha Gaikwad was also granted temporary caste certificate. It appears that the inquiry pursuant to which permanent caste certificate is to be issued, is still pending. Taking into consideration that if the permanent caste certificate is not issued in favour of petitioner's daughter in time, she may suffer prejudice and may loose opportunity to get admission against seats reserved for scheduled caste. The case of the petitioner's daughter appears to be pending before the competent authority since last about six months.

3. Taking into consideration the totality of the circumstances, I am not inclined to keep the matter pending but dispose off the same with a categorical direction to respondent No.3 to complete the inquiry at the earliest and in the event, the petitioner's daughter is entitled to issuance of caste certificate on permanent basis, issue the same so that she may not be deprived of benefits of reserved caste to which she claims. Therefore, this petition, at this stage, is disposed off with the direction to respondent No.3 to complete the inquiry and take decision and if found eligible, issue caste certificate on permanent basis within a period of 30 days from the date of receipt of copy of this order.

4. Needless to emphasize, in case, the respondent for any reason refuses to issue caste certificate on permanent basis, it would be open for the petitioner/ daughter of the petitioner to revive the petition.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E