

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1395 of 2017

- Smt. Gomti Singh W/o Sanjay Kumar Amlesh Aged About 26 Years
Resident Of C/o Dharmendra Patwa, Badan Singh Mohalla, Ward No. 15,
Manendragarh, District Korea, Chhattisgarh, At Present Village Dharhar,
Tahsil Marwahi, District- Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Schedule Caste And
Schedule Tribe Department, Mahanadi Bhawan, New Mantralay, District
Raipur, Chhattisgarh.
2. The Director, Schedule Caste And Schedule Tribe Department, Indrawati
Bhawan, District Raipur, Chhattisgarh.
3. The Collector, Bilaspur, District Bilaspur, Chhattisgarh.
4. The Sub Divisional Officer, (Revenue), Bilaspur, District- Bilaspur,
Chhattisgarh.
5. The Tahsildar, Marwahi, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner : Shri R. K. Kesharwani, Advocate
For Respondent/State: Shri R. K. Gupta, Dy.AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/05/2017

Heard.

2. The petitioner's grievance is that earlier, temporary caste certificate was
issued in favour of the petitioner, but later on, when the petitioner applied for
issuance of permanent caste certificate, the Sub Divisional Officer (Revenue)
has refused to accept the application and thereby abdicated his statutory
function of decision on application for issuance of caste certificate as mandated

under Section 4 of Chhattisgarh Scheduled Caste, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certificate) Act, 2013 (In short “the Act of 2013”).

3. It appears that the caste status of the petitioner is disputed issue, because the petitioner belongs to “Bhaina Tribe” of State of Madhya Pradesh and she being originally a resident of State of Madhya Pradesh, but later on, having migrated to State of Chhattisgarh upon her marriage in the State of Chhattisgarh. This matter would require consideration. The Sub Divisional Officer, a constituted authority under the law, is required to accept the application, hold enquiry and take appropriate decision in accordance with law either one way or the other and he cannot refuse to accept the application. The petitioner shall submit an application before the Sub Divisional Officer (Revenue) in accordance with the procedure prescribed under the Act of 2013. Thereafter, the Sub Divisional Officer (Revenue) shall hold enquiry and decide the matter. In case, the petitioner's grievance is not redressed, his remedy would be to file an appeal before the Collector.

4. With the aforesaid observations, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge