

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

**CWP-12135-2015 (O & M)
Date of decision: 13.07.2017**

Rajesh Kushwaha

....Petitioner

V/s

Union of India and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ashok Bhardwaj, Advocate, for the petitioner.

Ms. Sheenu Sura, Advocate, for UOI.

Mr. P.C. Goyal, Advocate, for respondent No.2.

Mr. Rohit Arya, AAG, Haryana, for respondents No.3 and 4.

Mr. Pardeep Sehrawat, Advocate, for Mr. Karan Singh,
Advocate, for respondent No.5.

Rajan Gupta, J. (Oral)

Petitioner has preferred this writ petition seeking quashing of order dated 22 May, 2015, Annexure P-2, passed by Deputy Commissioner, Yamuna Nagar, vide which OBC certificate granted to him has been cancelled. According to the learned counsel, petitioner has to be treated as OBC in State of Haryana as well, in view of the fact that the petitioner is a backward class in Uttar Pradesh. He further submits that Deputy Commissioner, Yamuna Nagar, sought a report from District Welfare Officer as regards caste of the petitioner in view of Government of India letter dated April 08, 1994. Thereafter, without waiting for the report, he passed the

impugned order.

During the pendency of this petition, notice was also issued to Union of India. Short reply by way of affidavit of S.S. Kumar, Under Secretary, Ministry of Social Justice and Empowerment, New Delhi, has already been filed. Certain instructions have been annexed therewith.

At this stage, learned State counsel submits that the order was passed without waiting for the report of the District Welfare Officer.

This court is of the considered view that the impugned order suffers from an infirmity as the authority did not wait for the report of the District Welfare Officer. Under the circumstances, the impugned order dated May 22, 2015, Annexure P-2, is hereby set aside and the matter is remitted back to the same authority for a decision afresh after considering plea of the parties/as well as instructions which have already been placed on record.

Allowed in these terms.

July 13, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No