

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 9 of 2018**

- Pahadi Korwa Samaj Vikas Samiti, Through : Its President Prem Sai Mudihar, S/o Shri Mohan Ram Mudihar, aged about 35 years, R/o Village- Amanara, Tahsil/Block/Police Station- Dharamjaigarh, District Raigarh (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Chief Secretary, Government of Chhattisgarh, Mantralaya, Raipur, Chhattisgarh
2. Secretary, Department of Tribal Affairs, Room No. 721, 7th Floor, A Wing, Shastri Bhavan CP, New Delhi – 110001, Delhi, India
3. Secretary, Tribal and Schedule Caste Welfare Department, Government of Chhattisgarh, Mantralaya, Raipur, Chhattisgarh
4. The Collector, Raigarh, District Raigarh (C.G.)
5. The Chief Medical Health Officer, Raigarh, District Raigarh (C.G.)

---- Respondents

For Petitioner	:	Shri Kishore Narayan, Advocate
For Respondents 1, 3 to 5 / State	:	Shri Yashwant Singh Thakur, Additional Advocate General
For Respondent No.2	:	Shri B. Gopa Kumar, Assistant Solicitor General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order on Board****Per, Thottathil B. Radhakrishnan, Chief Justice****08/03/2018**

1. I.A. No. 2 of 2018, application for exemption from paying security deposit. The application is allowed. The Petitioner is exempted from paying security deposit.
2. The claim of the Petitioner is that applications made by many persons who requested for issuance of community certificate as Korwas or Hill-Korwas are not being considered in the District of Raigarh.
3. The learned Additional Advocate General submits that the Tribal Research Institute under the State Government is the authority to conduct anthropological study and

make recommendations to the competent authority. The learned counsel for the Petitioner points out that such procedure is required to be adopted only for the purpose of including any particular group in the list of Scheduled Tribes and Scheduled Castes and such procedure is not necessary when applications are made for issuance of certificate referable to an entry already available in the relevant Presidential Order.

4. Without expressing anything on merits, we would therefore require respondents 1 to 4 to consider all applications pending within the Raigarh District for issuance of community certificate, by persons claiming to be Korwas or Hill-Korwas, either as those entitled to the benefit of inclusion in the Constitution (Scheduled Tribes) Order, 1950 or to be treated as Particularly Vulnerable Tribal Groups (PVTGs). Let requisite action follow on the basis of this order within a period of two months. If there is any delay in that regard, the Petitioner will be at liberty to bring the grievance to the notice of the Chhattisgarh State Legal Services Authority, having regard to the contents of the “NALSA (*Protection and Enforcement of Tribal Rights*) Scheme, 2015” and other NALSA Schemes which may be applicable to the group of persons whose cause the Petitioner seeks to espouse. The writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge