

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2510 of 2018

- Ganesh Kumar Bharti S/o Shri Shivshankar Ram Aged About 29 Years R/o Village Janakpur Tahsil Bharatpur, District- Koriya, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Tribal Welfare Department, Mantralaya, Naya Raipur, Raipur, Chhattisgarh
2. Collector, Koriya District- Koriya, Chhattisgarh
3. Sub-Divisional Officer (Revenue) Bharatpur, District- Koriya, Chhattisgarh
4. Tahsildar, Bharatpur, District- Koriya, Chhattisgarh

---- Respondents

For Petitioner	Shri Mateen Siddiqui, Advocate
For Respondent-State	Shri A. S. Kachhawaha, Addl. AG

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

19/09/2018

1. Learned counsel for the petitioner would submit that his brother Santosh Kumar has been granted permanent Caste Status Certificate by the SDO (Revenue), Manendragarh, District Koriya vide Annexure-P-6 and the petitioner himself has been allowed temporary Caste Status Certificate by the Tehsildar, Bharatpur (Baikunthpur), District Koriya. However, when the petitioner has applied for permanent Caste Status Certificate, the SDO (Revenue) has orally refused to pass necessary orders for the

reason that the petitioner or his forefather does not possess any document of any land record prior to the year 1950.

2. Learned counsel would further submit that in the order passed by the Division Bench of this Court in the case of **Narendra Dehariya vs State of Chhattisgarh and others**, passed in **WPC No.5070/2007 on 27.09.2007** and other connected matters and in the case of **Ramsajiwan vs State of Chhattisgarh and others**, passed in **WPS No.6616/2008 on 19.08.2010**, it has been held that the respondent authorities, in the matter of issuance of Caste Status Certificate, cannot insist on such particular record and they are required to consider the entitlement on the basis of other materials produced before the Authority.
3. Considering the fact that the petitioner's brother has already been allowed permanent Caste Status Certificate as also in view of the orders passed by this Court in the matters of Narendra Dehariya (supra) and Ramsajiwan (supra), the writ petition is disposed of with direction that the SDO (Revenue) shall pass necessary orders on the petitioner's application on the basis of the available records without insisting for land record prior to the year 1950, as the caste status of a person can be proved also on the basis of any other document prior to 1950.
4. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge