

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1571 of 2015**

- Nasar Qureshi @ Mamta Rathore D/o Isahaq Qureshi, Aged About 35 Years
Caste- Muslim, Resident Of Gariyaband, Police Station And Tahsil Gariyaband,
District Gariyaband Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Upper Collector, Gariyaband, District Gariyaband Chhattisgarh
3. The Sub- Divisional Officer (Revenue), Gariyaband, District Gariyaband Chhattisgarh
4. The Naib Tahsildar, Gariyaband, District Gariyaband Chhattisgarh

---- Respondents

For Petitioner : Shri Devesh G. Kela, Advocate

For Respondents/State : Shri Avinash Singh, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/09/2019**

1. Heard.
2. The application of the petitioner seeking permanent caste certificate was canceled by the SDO (R), Gariyaband on 05.11.2014. The said order was passed after the temporary caste certificate was issued to the petitioner and subsequently it was forwarded to the competent authority i.e. the SDO (R) for issuance of permanent caste certificate.

3. As per the notification of the State Government dated 24.09.2013 bearing No.F13-22/2012/ A.P/ 1-3 and as per clause 5.3 if the permanent caste certificate has been canceled by the SDO (R), the aggrieved person may file an appeal to the Collector, though the limitation has been provided in such notification clause No.13.2 it has also been provided that the appellate authority may condone the delay. Since the petitioner has prosecuted this cause before the wrong forum in this Court and the appellate forum is provided, therefore, the petitioner shall be at liberty to file an appeal against the order dated 05.11.2014 before the appropriate forum i.e. the Collector, as the case may be. This Court therefore, do not want to exercise the jurisdiction under Article 226 of the Constitution of India at this stage as actual finding of fact since are to be appreciated. It is further observed that the petitioner may also seek for condonation of delay on the ground that the instant petition was pending before this Court since 2015. The petitioner, if so advised, may file the appeal before the appropriate authority and if the proper application is preferred to condone the delay, the same may be decided objectively taking into the fact that the petition was preferred before this Court and was pending since 2015.
4. With the aforesaid observation, the writ petition stands disposed of.
5. Registry is directed to return the certified copy of the impugned order Annexure P-1 after retaining photocopy of the same.

Sd/-

Goutam Bhaduri
Judge