

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1338 of 2017**

- Ropan Ram Agariya S/o Late Ratnu Ram, Aged About 51 Years R/o. Dumartoli, Post Songada, Tahsil Manora, District Jashpur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste And Scheduled Tribe Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh,
2. High Level Caste Scrutiny Committee, Through Chairman/ President, Office At Pt. Ravishankar Shukla University Campus, Raipur, District Raipur Chhattisgarh
3. Collector, Jashpur, District Jashpur Chhattisgarh
4. Sub Divisional Officer Revenue, Jashpur, District Jashpur Chhattisgarh
5. Tahsildar, Manora, District Jashpur Chhattisgarh

---- Respondent

For Petitioner : Shri Kunal Das, Advocate.
 For Respondent/State : Shri Sudeep Verma, Deputy GA.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/01/2019 :**

1. The petitioner would assail the legality and validity of the order passed by the Sub Divisional Officer (Revenue), (for short 'the SDO') Jashpur, refusing to issue permanent caste certificate to the petitioner.
2. The petitioner claims to be belonging to Agariya ST community. On

the basis of his self declaration, he was issued temporary caste certificate but his prayer for permanent caste certificate was not taken up for consideration, therefore, the petitioner moved WPC No.2736/2016 before this Court which was disposed of on 9.11.2016 directing the SDO to decide the petitioner's application for issuance of permanent caste certificate within a period of 6 months. In compliance of this order of the Court, the SDO has passed the impugned order.

3. It is categorically mentioned in the impugned order, on the basis of report submitted by the Halka Patwari, that the petitioner's forefathers belong to Lohar community. In reaching to such conclusion, Halka Patwari had sought information from the villagers and went through the revenue records. The villagers clearly stated before Patwari that members of Agariya ST community have never resided in the village. Sarpanch informed that in the family ration card issued in the name of the petitioner's mother, his caste was mentioned as Other Backward Classes (OBC) and in other revenue records also, his caste was mentioned as Lohar (OBC), which was scored off and in its place, Agariya (ST) was written. Patwari also went to the Gram Panchayat, Bumtel, which is the native village of the petitioner's father Ratnu, son of Pilai. Elders of the said village informed the Patwari that Pilai had 3 sons namely, Bitna, Mahrang and Ratnu, all by caste Lohar. Thus in the absence of any revenue record prior to the year 1950 mentioning the name of the petitioner's forefathers as belonging to Agariya ST community, other evidence by way of information from the villagers, Sarpanch etc. have to be believed.

4. Moreover, in some revenue records of the petitioner's family of the year subsequent to 1950, their caste status was mentioned as Lohar (OBC), which was scored off to write Agariya (ST). Thus, the caste status initially mentioned in the revenue records also demonstrates that the petitioner belongs to Lohar (OBC) community.
5. Based on the above discussed evidence, the SDO has recorded a finding of fact that the petitioner does not belong to Agariya (ST) community. The said finding of fact does not appear to be perverse, therefore, it cannot be interfered in exercise of writ jurisdiction of this Court.
6. The Writ Petition being devoid of any substance deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve