

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1844 of 2019**

- Sahil S/o Shri Lakhan Lal, Aged About 19 Years, R/o Sector- 5, Bhilai, District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Tribal Welfare Department, Mantralaya, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Collector Janjgir District Janjgir Champa Chhattisgarh
3. Sub Divisional Officer (Revenue) Champa District Janjgir Champa Chhattisgarh
4. Tahsildar Champa District Janjgir Champa Chhattisgarh.

---- Respondent

For Petitioner

Mr. Mateen Siddique, Advocate

For Respondent/State

Mr. Rahul Jha, Government Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****17/6/2019**

1. Heard.
2. The petitioner claims to be belonging to 'Mahar' Scheduled Caste Community. A temporary Caste Certificate was issued in his favour vide Annexure P/3. However, his application for grant of permanent caste certificate is not considered in accordance with law and it is impliedly rejected by the concerned SDO for a purported reason that the petitioner is not able to produce records as proof of residence in respect of

the period 1950.

3. Learned counsel for the petitioner submits that in view of the order passed by the Division Bench of this Court in **Narendra Dehariya v State of Chhattisgarh & Others** (WPC No.5070/07) and other connected matters and in **Ramsajiwan v State of Chhattisgarh & Others** (WPS No.6616/08), the respondent authorities in the matter of issuance of caste certificate cannot insist on that particular record and they are required to consider entitlement on the basis of other material produced before the authority.
4. Learned State Counsel points out that the power to issue permanent caste certificate is with the Sub-Divisional Officer and, as such, prayer that Tahsildar should be directed to issue permanent caste certificate cannot be allowed.
5. Considering the submission of learned counsel for the parties, I am inclined to dispose of the petition giving liberty to the petitioner to move application before the concerned SDO. The SDO shall consider the application of the petitioner and decide the same in accordance with law in the matter of issuance of caste certificate keeping in view the order passed by the Division Bench of this Court including the order passed in **Ramsajiwan** (supra) within a period of three months.
6. Accordingly, the writ petition stands disposed of.

Sd/-

(Prashant Kumar Mishra)

Judge

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