

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 45 of 2019**

1. Ashok Kumar Chand, Son of Bhagwan Singh, aged about 45 years, Caste Mahar, R/o Village Bagtarai, Police Station Bhakhara, Tahsil and District Dhamtari, Chhattisgarh.

(presently working as State President of Mahar/Mahara Samaj, Head Office Ratnabandha, Dhamtari, Chhattisgarh)

2. Dharmendra Kumar Nayak, S/o Dwarika Prasad, aged about 47 years, Caste Mahar, R/o Village Gourabandha, Tahsil Kurud, District Dhamtari, Chhattisgarh.

(presently working as State Secretary of Mahar/Mahara Samaj, Head Office Ratnabandha, Dhamtari, Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh, Through: the Secretary, Scheduled Caste and Scheduled Tribe, Other Backward Classes & Minorities Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. State of Chhattisgarh, Through: It's Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.

--- Respondents

For Petitioners	:	Mr. Punit Ruparel, Advocate
For State	:	Mr. S.C. Verma, Advocate General with Mr. Siddharth Dubey, Deputy Government Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24.06.2019

Per P.R. Ramachandra Menon, Chief Justice

1. Petitioners, proclaiming themselves as the State President and the State Secretary respectively, of 'Mahar/Mahra Samaj', are before this Court with the following prayers :-

“10.1. That the Hon'ble Court may kindly be pleased

to direct the State of Chhattisgarh and its officials to follow the official gazette dated 23/07/2001 & a notification of State dated 27/03/2018.

10.2. That the Hon'ble Court may kindly be pleased to direct the State and its officials to issue caste certificates to all the pending application of their caste persons.

10.3. That the Hon'ble Court may kindly be pleased to direct the State to issue a direction to the departments to issue a caste certificate within stipulated time.”

2. Heard Mr. Punit Ruparel, learned counsel for the petitioners and Mr. S.C. Verma and Mr. Siddharth Dubey, counsel appearing for the State.
3. The grievance of the petitioners is with regard to the alleged action/inaction on the part of the authorities of the State in issuing 'caste certificate' to the members of the 'Mahar/Mahara' community under some pretext or the other. It is seen that an official notification has already been issued by the Government in Public Gazette dated 23/07/2001, to include 'Mahara' community as one among the Scheduled Castes, which term is to be read as 'Mahar/ Mehur/ Mehar'.
4. Despite the clearance given by the Government, the State authorities who are bound by the notification, are not issuing 'caste certificate' to the members of the association represented by the petitioners and hence, the grievance.
5. On going through the pleadings and proceedings, it is seen that the grievance projected by the petitioners is as to the grievance of particular persons entitled to get the 'caste certificate' in terms of

the notification. It cannot be taken together as a collective grievance so as to constitute a public interest litigation as the credentials may vary from case to case. Particulars of the persons to whom the 'caste certificate' has not been given and what are the circumstances for not issuing the caste certificate are not known/ brought out. In the said circumstances, without prejudice to the right of the members of the 'Mahara community' to project their grievance and pursue appropriate remedy in accordance with law, interference is declined and this Writ Petition (PIL) is dismissed, holding that there is no public interest involved in the present writ petition.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge