

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3670 OF 2019**

1. Versha Dhawnkar, W/o Sanghpal Turkane, Aged About 34 Years, R/o. H.N. S49, Near Gajanand Temple, Vijay Nagar, Durg Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Tribal Welfare Department, Mantralaya, Naya Raipur, Raipur Chhattisgarh
2. Collector, Durg, District: Durg, Chhattisgarh,
3. Sub Divisional Officer (Revenue), Durg, District: Durg, Chhattisgarh
4. Tahsildar, Durg, District: Durg, Chhattisgarh

---Respondent(s)

For Petitioner	:	Ms. Diksha Gouraha, Advocate.
For State	:	Ms. Ishwari Gritlahare, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16.10.2019**

1. The relief sought for in the present writ petition is for an appropriate directions to the respondents to consider her application for issuance of permanent caste certificate.
2. The contention of the Counsel for the petitioner is that the petitioner has got temporary caste certificate issued by the Tehsildar, Durg on 14.07.2000 (Annexure P-4). However, the permanent caste certificate for which the petitioner has moved an application is not being decided only on the ground of the petitioner's insistence on the part of the Respondent No. 3 for records prior to 1950 which could establish that they were residents of State of Chhattisgarh.

3. The contention of the petitioner is that, for the purpose of issuance of permanent caste certificate, there is no such requirement under the rules and guidelines governing for producing documents on records prior to 1950.
4. According to counsel for the petitioner, there is no sufficient material available with the petitioner to establish that she belongs to a particular caste i.e. Mahar Community and the authorities are suppose to enquire into the claim for issuing permanent caste certificate.
5. State Counsel submits, unless the petitioner produces sufficient records of ancestors being residents of State of Chhattisgarh even prior to 1950 that is the time, when the Presidential Order was issued, the petitioner would not be able to obtain caste certificate.
6. Having heard the contentions put forth on either side and on perusal of records what is relevant to take note is that the Division Bench of this Court in the case of Narendra Dehariya Vs. State of Chhattisgarh in WPC 5070 of 2007, decided on 27.09.2007 has categorically held that the State authorities cannot insist on records prior to 1950 for issuance of permanent caste certificate.
7. A similar view has also been taken by the Single Bench of this High Court in the case of Ramsajiwan Vs. State of Chhattisgarh in WPS No. 6616 of 2008 decided on 19.08.2019.
8. Given the aforesaid two judgments and the facts that the application of the petitioner for grant of permanent caste certificate is pending

consideration before the authorities concerned since 2012. Further the State of C.G. itself has enacted a Rule in the year 2013 which governs the field, this Court is of the view that ends of justice would meet if the writ petition is disposed off at a motion stage directing the respondent No. 3 to immediately process the application of the petitioner and for taking an appropriate decision so far as the claim of the petitioner for issuance of permanent caste certificate is concerned. While deciding the same, authorities cannot in the light of the aforesaid two judgments and also the order of General Administrative Department Government of Chhattisgarh dated 21.07.2003 and also considering the Rules of 2013 can not insist for records prior to 1950.

9. Let appropriate decision be taken by the Respondent No. 3 on the application of the petitioner for issuance of permanent caste certificate at the earliest, preferably within a period of 4 months from the date of receipt of copy of this Order.

10. Accordingly, the present Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**

Jyotijha