

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4043 of 2019**

Roshani Matale W/o Vinod Kumar Matale Aged About 33 Years Caste -
 Mahar, R/o Ward No. 3, Dindyal Colony - Rajnandgaon Tahsil and District
 - Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Tribal Welfare, Mahanadi Bhawan, Atal Nagar Naya Raipur, Chhattisgarh
2. The Collector - Rajnandgaon, District Rajnandgaon Chhattisgarh
3. The Sub Divisional Officer(Revenue) Rajnandgaon District Rajnandgaon Chhattisgarh
4. The Nayab Tahsildar – Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Love Kumar Ramteke, Advocate
For State	:	Mr. Anshuman Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/11/2019**

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 14.09.2014 whereby the Additional Collector, Rajnandgaon in an Appeal No. 20190409140003/08 B/121 Year 2018-19 has rejected the appeal of the petitioner affirming the order passed by the Nayab Tehsildar, Rajnandgaon who had rejected the application moved by the petitioner for issuance of permanent caste certificate from the State of Chhattisgarh.
2. Undisputed fact of the case is that the petitioner belongs to the 'Mahar' Community and she is basically a resident of Village Kirnapur in District Balaghat in the State of Madhya Pradesh. She got married to one Shri Vinod Kumar Matale on 19.12.2008. Her husband is a resident of State of

Chhattisgarh and is a resident of District Rajnandgaon and is also in Government employment. The petitioner has a permanent caste certificate duly issued in her favour on 07.06.2002 itself. The petitioner had now moved an application before State of Chhattisgarh for issuance of another permanent caste certificate from the State of Chhattisgarh so as to enable herself in getting employment in the State of Chhattisgarh. According to the petitioner there was an involuntary migration of the petitioner by virtue of marriage and therefore the petitioner should not be deprived of right to employment only because she does not have a permanent caste certificate from the State of Chhattisgarh. According to the petitioner the caste to which petitioner belongs is duly notified in the Schedule of both the State of M.P. as well as in the State of Chhattisgarh to be a 'Scheduled Caste'. Therefore, if the petitioner intends to surrender her certificate issued from the State of Madhya Pradesh and seeks for issuance of permanent caste certificate from the State of Chhattisgarh, the same should not have been refused by the Nayab Tehsildar at the first instance and order passed by the Additional Collector vide Annexure P-1 is also therefore bad in law.

3. What has to be taken note of is the fact admittedly the petitioner was a resident of Madhya Pradesh and there she belongs to the 'Mahar' Community and petitioner also has a permanent caste certificate issued by the State of Madhya Pradesh. The provision of law or Rule do not provide or envisage a mechanism where the person has a right to surrender his/her certificate issued from his/her parent State and to obtain a fresh certificate from the State where the person goes by way of marriage or for that matter for any other reason.
4. Moreover, the caste status of a person is determined from the parent State of the said person. It cannot be decided on the basis of migration made subsequently. Unless, the migration was on account of creation of

a new State or by way of bifurcation to a new State, the person stands allocated at the instance of the Government. In the instant case, the marriage of the petitioner with her husband is also for a period much after State of Chhattisgarh was created.

5. Given the said facts and circumstances of the case, this Court does not find the order of Additional Collector, Rajnandgaon to be in any manner arbitrary or bad in law. Nor can it said to be in contravention to any of legal position as it stands.
6. With the aforesaid observations, the writ petition fails and stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit