

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 3978 OF 2019**

- Kailash Dhurke, S/o Late Tuka Ram Dhurke, aged about 47 years, Caste-Mahar, R/o Ward No.9, Prem Nagar, Murra Bhatti, Gudiyari, Raipur, Tahsil and District Raipur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Department of Tribal Welfare, Mahanadi Bhawan, Nawa Raipur, District Raipur (CG)
2. The Sub Divisional Officer (Revenue), Raipur, Tahsil & District Raipur (CG)
3. The Tahsildar, Raipur, District Raipur (CG)
4. The Nayab Tahsildar, Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Love Kumar Ramteke, Advocate.
For Respondent-State	:	Mr. Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/11/2019**

1. The present writ petition has been filed seeking direction to the respondents to consider issuance of permanent caste certificate to the petitioner.
2. According to the petitioner, he belongs to "Mahar" caste which falls within the Scheduled Caste category. He had moved an application before respondent no.2 for issuance of the said caste certificate. The said application has been rejected on the ground that the petitioner failed to provide documents to show that his ancestors were of Raipur Tahsil prior to 1950.
3. Contention of the petitioner is that such requirement is not required at all. There is mechanism available under the Chhattisgarh Scheduled Castes, Scheduled Tribes & Other Backward Classes (Regulation of Social Status Certification) Rules, 2013 (hereinafter referred to as the "Rules of 2013") enacted by the State Government under which the said certificate has to be issued to the petitioner. The petitioner submits that there is a circular of the State Government which says that for the purpose of issuance of certificate, the requirement of document prior to 1950 would not be necessary. Further contention of the petitioner is that the respondent authorities can any time inquire so far as the caste status of the petitioner is concerned keeping in view the provisions of the Rules of 2013 as envisaged above.

4. The State Counsel at this juncture submits if the petitioner does not have the relevant record available with him, he can produce Inability Certificate as is required under the Rules of 2013, based upon which the authorities concerned shall proceed further with the enquiry proceedings and shall pass an appropriate order.

5. Given the aforesaid facts of the case, particularly taking note of the provisions of the Rules of 2013, this Court is of the opinion that ends of justice would meet if the petitioner is directed to approach the respondent no.2 again and submit his Inability Certificate if he does not have the documents prior to 1950 and at the same time the petitioner would also produce records that he has in his possession to establish his caste status. The respondent no.2 thereafter shall conduct an enquiry as per the provisions envisaged in the Rules of 2013 and take an expeditious decision on the application of the petitioner, preferably, within a period of four months from the date of receipt of copy of this order.

6. It shall be the responsibility of the petitioner to apprise the respondent no.2 so far as the order passed by this Court today is concerned.

7. With the aforesaid observations, the present writ petition stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE