

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4318 of 2019**

Deepak Kumar Vasnik S/o Laxmichand Vasnik Aged About 44 Years Caste-
 Mahar, R/o Sec.1, Near Of Hanuman Mandir, Sankar Nagar, Raipur, Tahsil
 and District- Raipur, Chhattigarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Tribal Welfare,
 Mahanadi Bhawan, Nawa Raipur, Chhattisgarh
2. The Sub Divisional Officer (Revenue) Khairagarh, District- Rajnandgaon,
 Chhattisgarh
3. The Nayab Tahsildar Khairagarh, District- Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Love Kumar Ramteke, Advocate
For State	:	Mr. P. Acharya, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/11/2019**

1. The present writ petition has been filed seeking an appropriate direction to the respondent No.2 for issuance of appropriate caste certificate in favour of the petitioner.
2. According to the petitioner he belongs to a Schedule Caste Category and caste which he belongs is "Mahar". He had moved an application before respondent No.2 who in turn vide Annexure P-2 had asked the petitioner to provide relevant documents to establish his caste status. This observation of the respondent No.2 was subjected to challenge before the Collector who too has affirmed the order and has rejected the appeal of the petitioner vide order Annexure P-1 dated 21.10.2019 leading to the filing of the present writ petition. Contention of the petitioner is that he is originally a resident of District Balaghat, presently which falls in the Madhya Pradesh and the said place was within the unified Madhya Pradesh as it then was prior to 01.11.2000.

3. The petitioner refers to the order of the State of Chhattisgarh, General Administration Department dated 15.11.2010 whereby the State Government as a policy decision had held that all those persons who falls within the Scheduled Caste & Scheduled Tribe category who were earlier residents of the erstwhile State of Madhya Pradesh before the formation of the State of Chhattisgarh and who had shifted to the Chhattisgarh region before the State was created would be entitled for issuance of caste certificate and benefits of the concerned category as it was being provided in the erstwhile State of Madhya Pradesh. According to the petitioner his case also is one which squarely falls in terms of the order dated 15.11.2010 and his caste also is one which is reflected in the said order of the State Government.
4. Given the said facts, respondent No.2 is expected to take a decision on the claim of the petitioner for grant of a caste certificate in accordance with the said circular and also as per the provisions of '**The Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013**'. However, it is expected that petitioner shall approach before respondent No.2 and provide all necessary details that are available to establish the fact that he in fact was a resident of Khairagarh, under District Rajnandgaon before creation of State of Chhattisgarh on 01.11.2000. This Aspect would be subjected to verification of the documents which the petitioner so provides and all other records to establish the fact that he belongs to the "Mahar" community. Respondent No.2 is expected to take a decision without being in any manner influenced by the order passed by the Collector vide Annexure P-1 dated 21.10.2019.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge