

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.4236 of 2019

Boharan Lal Yarda S/o Late Dyaram Yarda Aged About 66 Years R/o Village Sahgaon (Pasaud), Post Devri Bangla, Tahsil Dondi Lohara, District Balod, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary, Department of Tribal Welfare, Mahanadi Bhawan, Nawa, Raipur, Chhattisgarh.
2. The Sub Divisional Officer (Revenue) Dondi Lohara, Tahsil Dondi Lohara, District Balod, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Love Kumar Ramteke, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.11.2019

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 the "Mahar Caste" which falls within the Scheduled Caste category. The petitioner had moved an application before the Respondent No. 02 for issuance of the said caste certificate. According to the petitioner, the application has been kept in abeyance on the ground enabling the petitioner to provide the documents to show that his ancestors were of Tahsil: Dondi Lohara prior to 1950.
3. The contention of the petitioner is that such requirement is not required at all. There are mechanism available under the Chhattisgarh Scheduled Castes, Scheduled Tribes & Other Backward Classes (Regulation of Social Status Certification) Rules, 2013 (hereinafter referred as Rules 2013) enacted by the State Government under which the certificate has to be issued to the petitioner. He further submits that there are 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. The further contention of the petitioner is that the respondent authorities can any time enquire, so far as the caste status of the petitioner is concerned, keeping in view the provisions of Rule 2013 as envisaged above.

4. The State Counsel at this juncture submits if he does not have relevant record available with him, he can produce the 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 Rules 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.
6. The Respondent No. 02 thereafter shall conduct an enquiry as per the provisions envisaged in Rules 2013 and take an expeditious decision on the application of the petitioner, preferably within a period of 4 months from the date of receipt of copy of this Order. It shall be the responsibility of the petitioner to apprise the Respondent No. 02, so far as the Order passed by this Court is concerned.
7. With the aforesaid observations, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge