

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (C) No.4340 of 2019**

Sarita Koushal D/o Late Prahlad Kumar Koushal Aged About 33 Years  
Caste Mahar, R/o Ward No. 41, W. No. 413/15, Subhash Nagar, Durg  
Tahsil And District Durg Chhattisgarh Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Tribal Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh,
2. The Sub Divisional Officer (Revenue) Dondi Lohar, Tahsil Dondi Lohar, District Balod Chhattisgarh

**---Respondents**

|                |   |                                    |
|----------------|---|------------------------------------|
| For Petitioner | : | Shri Love Kumar Ramteke, Advocate. |
| For State      | : | Shri P. Acharya, P.L.              |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**29.11.2019**

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, she 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 Counsel for 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 she does not have relevant record available with her, she 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 her Inability Certificate if she does not have the documents prior to 1950 and at the same time the petitioner would also produce records that she has in her possession to establish her 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**