

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 35 of 2019

- Jitendra Kumar Mahadware S/o Lalit Kumar Mahadware Aged About 25 Years R/o Police Line Q. No. 36/826, Bairan Bazar Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Tribal Welfare Department, Mantralaya, Naya Raipur, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Sub Divisional Officer (Revenue) Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Tahsildar Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri Faisal Akhtar, Advocate
Shri Sanjay Agrawal, GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

09/01/2019

1. This petition has been filed by the petitioner aggrieved by refusal on the part of respondent authorities to issue temporary caste certificate by insisting the petitioner to produce records as proof of residence in respect of the period of 1950.
2. Learned counsel for the petitioner submits that in view of the order passed by the Division Bench of this Court in **Narendra Dehariya v State of Chhattisgarh & Others** (WPC No.5070/07)

and other connected matters and in **Ramsajiwan v State of Chhattisgarh & Others** (WPS No.6616/08), the respondent authorities in the matter of issuance of caste certificate cannot insist on that particular record and they are required to consider entitlement on the basis of other material produced before the authority.

3. Learned State counsel points out that the power to issue permanent caste certificate is with the Sub-Divisional Officer and, as such, prayer that Tahsildar should be directed to issue permanent caste certificate cannot be allowed.
4. Considering the submission of learned counsel for the parties, I am inclined to dispose of the petition giving liberty to the petitioner to move application before the SDO. The SDO shall consider the application of the petitioner and decide the same in accordance with law in the matter of issuance of caste certificate keeping in view the order passed by the Division Bench of this Court including the order passed in **Ramsajiwan** (supra) within a period of three months.
5. Accordingly, the writ petition stands disposed of.

Sd/-

Prashant Kumar Mishra
Judge

Nirala