

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 4481 OF 2019**

Priyanka Dongre, S/o Shri Chintamani Dongre, aged about 38 years, R/o Shanti Vihar Colony, Dangania, Raipur, District Raipur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, Department of Tribal Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur (CG)
2. Sub Divisional Officer (Revenue), Raipur, District Raipur (CG)
3. Tehsildar, Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Vivek Kumar Agrawal, Advocate
For Respondents	:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09.12.2019**

1. The present writ petition has been filed by the petitioner seeking for an appropriate direction to the respondents to consider issuance of permanent caste certificate to the petitioner.
2. According to the petitioner, she belongs to "Mahar" caste which falls within the Scheduled Caste category. She had moved an application before respondent no.2 for issuance of permanent caste certificate. According to her, the said application has been rejected on the ground that she failed to provide the documents to show that her ancestors were of Raipur district prior to 1950.
3. Contention of the petitioner is that such requirement is not required at all. There is a 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 her, she 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 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. 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 writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge