

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4635 of 2019**

Prakash Rao Thaware S/o Krishna Rao Thaware, Aged About 56 Years
Caste Mahar, Resident Of 41/A, Maitrivihar Supela Bhilai, Tahsil And
District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Tribal Welfare, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. The Sub Divisional Officer (Revenue), Durg, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Love Kumar Ramteke, Advocate
For State	:	Ms. Abhyunati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17.12.2019**

1. The relief sought by the petitioner in the present writ petition is for an appropriate direction to the respondent No. 2 to consider grant of permanent caste certificate.
2. According to the petitioner, he was an employee in the undivided State of Madhya Pradesh, thereafter he has been allocated to the State of Chhattisgarh. According to the petitioner, since he has been allocated to the State of Chhattisgarh, he falls within the ambit of Rule 12 of the Chhattisgarh Scheduled Castes, Scheduled Tribes and other Backward Classes (Regulation of Social Status Certification) Rules 2013. Rule 12 of the Rules of 2013 deals with the category of persons who would fall under "involuntary

migration". Under the said Rule, an employee who has been involuntary migrated to the State of Chhattisgarh would be entitled for the benefit of reservation in the State of Chhattisgarh. According to the petitioner, he belongs to "Mahar Caste" which falls within the Scheduled Caste category. The petitioner had moved an application before the Respondent No. 02 for issuance of 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: Bhilai, Durg prior to 1950.

3. Given the facts, this Court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondent No.02 to process the claim of the petitioner and pass an appropriate order keeping in view Rule 12 of the Rules of 2013 referred to in the preceding paragraph.
4. Let respondent No. 2 take an appropriate decision within a period of 60 days from the date of receipt of copy of this order.
5. The present writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge