

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4660 of 2019

1. Anjira Meshram, W/o M.L. Meshram, Aged About 63 Years, R/o Gali No. 3, New Shankar Nagar Durg, Tahsil And District : Durg, Chhattisgarh

---- Petitioner

Versus

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

Respondents

For Petitioner	:	Mr. Love K. Ramteke, Advocate
For State	:	Mr. Ashutosh Mishra, Panel Lawyer

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

19.12.2019

1. The present writ petition has been filed seeking an appropriate direction to the respondent No. 2 for issuance of appropriate caste certificate in favour of the petitioner
2. According to the counsel for the petitioner she belongs to a Schedule Caste Category and caste which she belongs is "Mahar". She had moved an application before respondent No. 2 who in turn vide Annexure P-2 had asked the petitioner to provide relevant documents to establish her caste status. Contention of the counsel for the petitioner is that she is originally a resident of

District Durg, presently which falls in the Chhattisgarh and the said place was outside the unified Madhya Pradesh as it then was prior to 01.11.2000

3. The petitioner refers to the order of the State of Chhattisgarh, General Administration Department dated 15.11.2010 whereby the State Government as a policy decision had held that all those persons who falls within the Scheduled Caste & Scheduled Tribe category who were earlier residents of the erstwhile State of Madhya Pradesh before the formation of the State of Chhattisgarh and who had shifted to the Chhattisgarh region before the State was created would be entitled for issuance of caste certificate and benefits of the concerned category as it was being provided in the erstwhile State of Madhya Pradesh. According to the counsel for the petitioner, the petitioner's case also is one which squarely falls in terms of the order dated 15.11.2010 and her caste also is one which is reflected in the said order of the State Government.
4. Given the said facts, respondent No.2 is expected to take a decision on the claim of the petitioner for grant of a caste certificate in accordance with the said circular and also as per the provisions of '***The Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013***'. However, it is expected that petitioner shall approach before respondent No.2 and provide all necessary details that are available to establish the fact that she in fact was a resident of District Durg before creation of State of Chhattisgarh on 01.11.2000. This Aspect

would be subjected to verification of the documents which the petitioner so provides and all other records to establish the fact that she belongs to the “Mahar” community. The Respondent No.2 is expected to take a decision without being in any manner influenced by the order passed by the Collector vide Annexure P-2 dated 15.05.2019.

5. With the aforesaid observations, the present Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**