

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 794 OF 2020**

- Radheshyam Jaithwar, S/o Shobha Ram, aged about 51 years, Caste-Katia, R/o Ward No.20, Gandhi Chowk, Dalli Rajhara, Tahsil Dondi, District Balod (CG).

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Department of Tribal Welfare, Mahanadi Bhawan, Nawa Raipur (CG)
2. The Sub Divisional Officer (Revenue), Dondi Lohara, Tahsil Dondi, District Balod (CG)

... Respondents

For Petitioner	:	Mr. Love Kumar Ramteke, Advocate.
For Respondents	:	Mr. Subham Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/03/2020**

1. The present writ petition has been filed by the Petitioner seeking for an appropriate direction to Respondent No.2 for issuance of an appropriate caste certificate in favour of the Petitioner.
2. According to the learned Counsel for the Petitioner, the Petitioner belongs to "Katia" caste which falls within the Scheduled Caste category. The Petitioner moved an application before Respondent No.2 for issuance of Caste Certificate. The said application has been kept in abeyance, enabling the Petitioner to provide the documents to show that the Petitioner's ancestors were of Tehsil Dondi prior to 1950. Contention of the learned Counsel for the Petitioner is that the Petitioner is originally a resident of District Balaghat which presently falls in the State of Madhya Pradesh and the said place was within the unified State of Madhya Pradesh as it then was prior to 01.11.2000.
3. Further contention of the learned 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 the "the Rules of 2013") enacted by the State Government under which the certificate has to be issued to the petitioner. He further submits that there is 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. It was further contended by the learned Counsel for the Petitioner that the respondent authorities can at any time enquire 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. Learned Counsel for the Petitioner also 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 fall 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 the benefits of the concerned category as it was being provided in the erstwhile State of Madhya Pradesh. The Petitioner's case also is one which squarely falls in terms of the Order dated 15.11.2010 and his caste also is one which is reflected in the said Order of the State Government.

5. Learned State Counsel at this juncture submits if the Petitioner does not have the relevant record he 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.

6. 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 Inability Certificate if he does not have the documents prior to 1950. At the same time, the Petitioner would also produce the available records to establish his caste status. 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, at the earliest, preferably within a period of four (4) months from the date of receipt of copy of this Order.

7. 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.

8. With the aforesaid observations, the present Writ Petition is disposed of.

/Sharad/

Sd/-
(P. Sam Koshy)
JUDGE