

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.673 of 2020

Smt. Prathna Pastariya D/o Hemraj Aged About 42 Years Caste- Ahirwar,
Resident of Sarkanda, Bilaspur Tahsil and District- Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary, Department of Tribal Welfare, Mahanadi Bhawan, Nawa Raipur, Chhattisgarh.
2. The Sub Divisional Officer (Revenue) Bilaspur, District- Bilaspur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Love Kumar Ramteke, Advocate.
For State	:	Ms. Abhyunnati Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.02.2020

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 counsel for the petitioner, the petitioner belongs to “**Ahirwar Caste**” which falls within the Scheduled Caste Category. The petitioner moved an application before respondent No.2 for issuance of the said caste certificate. According to the petitioner, the application has been kept in abeyance enabling the petitioner to provide the documents to show that the petitioner's ancestors were of Tehsil Bilaspur prior to 1950. The contention of counsel for the petitioner is that the petitioner is originally a resident of District Hoshangabad, which presently falls in Madhya Pradesh and the said place was within the unified Madhya Pradesh as it then was prior to 01.11.2000.
3. Further the contention of 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 'Rules 2013') enacted by the State Government under which the certificate has to be issued to the petitioner. He further submits that there are 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. The further contention of the petitioner is 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 Rule 2013 as envisaged above.

4. 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 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. The petitioner's case also is one which squarely falls in terms of the order dated 15.11.2010 and the caste also is one which is reflected in the said order of the State Government.
5. The State Counsel at this juncture submits if the petitioner does not have relevant records, they 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 Rules 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 the petitioner does not have the documents prior to 1950. At the same time, the petitioner would also produce the available records to establish caste status. The Respondent No.2 thereafter shall conduct an enquiry as per the provisions envisaged in Rules 2013 and take an expeditious decision on the application of the petitioner preferably within a period of 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 is concerned.
8. With the aforesaid observations, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder