

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1644 of 2019**

1. Naresh Chutail S/o Siddhu Chutail Aged About 54 Years R/o Village Atmanagar, Tahsil- Podi-Uproda, District- Korba, Chhattisgarh
2. Chandra Kumar Chutail S/o Naresh Chutail Aged About 21 Years R/o Village Gandabordi, R/o Village Bartunga, P.S. And Tahsil- Dabhara, District- Janjgir-Champa, Chhattisgarh
3. Pooja Chutail D/o Naresh Chutail Aged About 25 Years R/o Village Gandabordi, R/o Village Bartunga, P.S. And Tahsil- Dabhara, District- Janjgir-Champa, Chhattisgarh
4. Reshma Chutail D/o Naresh Chutail Aged About 27 Years R/o Village Gandabordi, R/o Village Bartunga, P.S. And Tahsil- Dabhara, District- Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste And Scheduled Tribe Welfare Department, Mantralaya, Atal Nagar, New Raipur, Chhattisgarh
2. High Power Caste Certificate Scrutiny Committee Through Vice President-Cum-Director, Adim Jati Anusandhan Avam Prashikshan Sansthan, State Of Chhattisgarh, Pt. Ravishankar Shukla University, Premises, Raipur, Chhattisgarh
3. The Collector, District- Janj, The Collector, District Korba, Chhattisgarh
4. The Sub-Divisional Officer (Revenue), Podi-Uproda, District- Korba, Chhattisgarh,
5. The Tahsildar, Podi-Uproda, District- Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Aditya Khare, Adv.
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/06/2020**

1. The challenge in the present writ petition is to the impugned order Annexure P/1 whereby the status of the petitioners' application for grant of permanent caste certificate was shown as the respondent authority having rejected the same on the ground that the petitioners were unable to submit documents prescribed for caste status and other land records of a period prior to 1950.
2. Counsel for the petitioners submits that under the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other backward Classes (Regulation of Social Status Certification) Act, 2013, there is a

specific provision whereby the petitioners can submit inability certificate in respect of those documents which are not in their possession to establish their caste certificate. It is further contended that in the event the petitioners furnishing the Inability Certificate, the responsibility thereafter stands shifted, and the respondent-authorities conduct an enquiry and thereafter pass an appropriate order on the application made by the petitioners for grant of permanent caste certificate.

3. Learned Dy. Advocate General appearing for the State opposing this petition submits that if the petitioners have not been able to produce cogent proof and document to establish their caste status, the decision taken by the respondent can not be said to be bad.
4. Having heard both the parties particularly taking note of the provision and the procedure laid down in the Act and Rules of 2013, this Court is of the opinion that the authorities concerned ought to have first asked the petitioners to furnish the necessary documents and thereafter the petitioners if they were unable to produce such documents, the respondents authorities should have asked the petitioners to furnish inability certificate and should have proceeded /conducted an enquiry and thereafter pass an appropriate order either granting caste certificate or misuse of grant of certificate or reasons to be mentioned therein.
5. Given the said facts and the rules, this Court is of the opinion that the information provided by the respondent vide order Annexure P/1 or the enquiry which has been initiated by the respondent-commission requires a fresh enquiry. Accordingly, the matter stands remitted back to the commission for taking appropriate steps and conduct an enquiry after the petitioners are permitted to furnish inability

certificate in respect of the documents required so far as determining the caste status is concerned.

6. The writ petition is disposed of, the respondent-commission is directed to ensure that the enquiry is conducted at the earliest and a report or order is passed equally expeditiously.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha