

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3069 of 2020**

- Santosh Kumar Meshram S/o Late Tejram Meshram Aged About 42 Years Resident Of Behind Titurdih Housing Board Colony Near Reliance Towers Shivaji Nagar, Titurdih- Durg, 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) Dondi-Lohara, District- Balod, Chhattisgarh

---- Respondents

For Petitioner : Shri Love Kumar Ramteke, Advocate

For Respondents/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****15/12/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner applied for caste certificate and has submitted the inability memo to produce the documents pertaining to 1950.
3. As per the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Class (Regulation of Social Status Certification) Act, 2013 (for short the Act, 2013) and the Rules framed thereunder, the Rule 6 thereof reads as under:-

“6. Inability Memo. - (1) An applicant belonging to Scheduled Castes or Scheduled Tribes, who has applied for obtaining Certificate, inspite of adequate efforts could not get the required document under sub-rule (3) of Rule 3, may give an affidavit about his inability to submit such document in prescribed FORM-3C, printed on the back of Return Memo.

(2) On receipt of Inability Memo, the Competent, Authority shall not demand for the required document or documents under sub-rule (3) of Rule 3 and shall proceed to inquire the claim of the applicant under Rule 8:

Provided that the applicant shall present himself during such inquiry before the Competent Authority or before the inquiry officer indicated by him and shall give all necessary assistance to ensure the presence of related persons, so as to prove his claim of social status.”

4. The petitioner when was asked during the course of argument, whether the affidavit has been submitted pursuant to Rule 6 (1) of the Act, 2013, he is unable to satisfy the Court.
5. Rule 6 (1) of the Act, 2013 purports that in the inability memo a person has to give an affidavit about his inability to submit the documents in prescribed Form-3C. Since the compliance of Rule 6 (1) of the Act, 2013, which has not been made, therefore, the petition at this stage is premature.
6. It is accordingly dismissed as premature.

Sd/-

Goutam Bhaduri
Judge

Ashu