

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (C) No.3124 of 2018**

Satish Kumar Bharti S/o Shri Shivshankar Ram Aged About 24 Years R/o-  
Village Janakpur Tahsil Bharatpur, District- Koriya, Chhattisgarh.

**---Petitioner(s)**

**Versus**

- 1.** State of Chhattisgarh Through- Secretary Tribal Welfare Department, Mantralaya, Naya Raipur, Chhattisgarh.
- 2.** Collector Koriya District- Koriya, Chhattisgarh.
- 3.** Sub- Divisional Officer (Revenue) Bharatpur, District- Koriya, Chhattisgarh.
- 4.** Tahsildar Bharatpur, District- Koriya, Chhattisgarh.

**---Respondents**

|                |   |                                  |
|----------------|---|----------------------------------|
| For Petitioner | : | Ms. Ruchi Nagar, Advocate.       |
| For State      | : | Ms. Sunita Jain, Govt. Advocate. |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**05.02.2020**

- 1.** The present writ petition has been filed against the inaction on the part of the respondent No.3 in finally deciding the application for grant of permanent caste certificate moved by the petitioner.
- 2.** The counsel for the petitioner submits that the petitioner had approached the respondent No.3 for issuance of permanent caste certificate and along with his application he had also submitted that his brother and father have already got permanent caste certificate issued in their favour by the competent authority long back. However, yet no decision has been taken by the respondent No.3 on his application and the petitioner has been orally informed by the respondent No.3 expressing his inability to issue permanent caste certificate.
- 3.** The State counsel, on the other hand, submits that once when there is already an application, there is no reason why the authorities should not pass a final order and in case if the application is already filed and is

pending, the same would be decided in accordance with law at the earliest.

4. At this stage, the counsel for the petitioner also submits that the respondent No.3 is insisting for a document prior to 1950.
5. According to the State counsel, the State Govt. themselves had subsequently enacted **The Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013'** (in short, the Act, 2013) where certain procedure have been laid down under which the respondent No.3 have to decide the application of the petitioner for issuance of the caste certificate and therefore suitable direction be issued to the respondent No.3 to take a decision in accordance with provisions of the Act, 2013.
6. Given the aforesaid facts and circumstances of the case, this court is of the opinion that the writ petition itself can be disposed of directing the respondent No.3 to consider pending application of the petitioner so far as issuance of permanent caste certificate is concerned. It is further directed that the respondent No.3 shall proceed with the matter in accordance with provisions of the Act, 2013. In the event if the petitioner does not have all the relevant certificates and documents, he may be permitted to file inability certificate and thereafter the authority may proceed and decide the case. Let an appropriate decision be taken in this regard within a period of six months from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of with the aforesaid observations.

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