

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.4706 of 2019

Padma Ambade W/o. Shyam Rao Ambade, Aged About 35 Years Caste Mahar, R/o Ward No. 11, Shankar Nagar, Street No. 5, Buddha Vihar Road Durg, Tah. And District Durg Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary, Department Of Tribal Welfare, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh.
2. The Sub Divisional Officer (Revenue), Durg, District Durg Chhattisgarh.
3. The Tahsildar Durg, District Durg 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

02.01.2020

1. The relief sought by the petitioner in the present writ petition is for an appropriate direction to the respondent No. 2 to consider grant of permanent caste certificate.
2. According to the petitioner, she was an employee in the undivided State of Madhya Pradesh, thereafter she has been allocated to the State of Chhattisgarh. According to the petitioner, since she has been allocated to the State of Chhattisgarh, she falls within the ambit of Rule 12 of the Chhattisgarh Scheduled Castes, Scheduled Tribes and other Backward Classes (Regulation of Social Status Certification) Rules 2013. Rule 12 of the Rules of 2013 deals with the category of persons who would fall under "involuntary migration". Under the said Rule, an employee who has been involuntary migrated to the State of Chhattisgarh would be entitled for the benefit of reservation in the State of Chhattisgarh. According to the petitioner, she belongs to the "Jatav Caste" which falls within the Scheduled Caste category. The petitioner had moved an application before the Respondent No. 02 for issuance of the said caste certificate. According to the petitioner, the application has been kept in abeyance on the ground enabling the petitioner to provide the documents to show that her ancestors were of Durg prior to 1950.

3. Given the facts, this Court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to respondent No.02 to process the claim of the petitioner and pass an appropriate order keeping in view Rule 12 of the Rules of 2013 referred to in the preceding paragraph.
4. Let respondent No. 2 take an appropriate decision within a period of 60 days from the date of receipt of copy of this order.
5. The present writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder