

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2331 of 2021**

Dhirendra Kumar Chaurasia S/o Shiv Kumar Chaurasia Aged About 39 Years
R/o Bazarpara Ward No. 08, Koriya Colony, Chirmiri District Koriya
Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Director Directorate Of Public Instructions Indravati Bhawan, Naya Raipur, Raipur Chhattisgarh.
3. Joint Director School Education Wing District Sarguja Chhattisgarh.
4. District Education Officer District Sarguja Chhattisgarh.
5. Sub Divisional Officer Chirmiri, District Korea.
6. Tehsildar Tehsil Chirmiri, District Korea.

---- Respondents

For Petitioner	:	Mr. Anadi Sharma, Advocate
For State	:	Mr. Amrito Das, Additional A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/06/2021**

1. The grievance of the petitioner in the present writ petition primarily seems to be the rejection of his candidature as a candidate belonging to the Other Backward Category (OBC) for having no proper caste certificate.
2. Admittedly from the pleadings of the writ petition, the petitioner does not have a caste certificate issued from a competent authority from the State of Chhattisgarh. In the absence of which, his claim for reservation and the benefits attached to the reservation on account of

his belonging to the OBC category cannot be extended to the petitioner.

3. At this juncture counsel for the petitioner submits that as an unreserved category also the petitioner has scored much higher marks than many of the candidates, who have been selected in the unreserved category. Moreover, according to the petitioner he is a domicile of the State of Chhattisgarh and has a domicile certificate duly issued from a competent authority in the State of Chhattisgarh as would be evident from Annexure P/2 and therefore he has a right to be considered as an unreserved category on the basis of his merits.
4. It is further contention of the petitioner that as regards the age of the petitioner is concerned, the counsel for the petitioner submits that in the light of the circular of the State Government dated 30.01.2019, the State Government has granted a relaxation of 5 years to all those candidates, who are domiciles of the State of Chhattisgarh and by virtue of the said relaxation, the petitioner would be entitled for consideration for appointment under the unreserved category.
5. At this juncture, learned counsel for the State submits that it appears that the documents pertaining to the petitioner being a domicile in the State of Chhattisgarh has been obtained by the petitioner much after the last date of filing of the applications as per the advertisement for the said recruitment was over. He also submits that there are doubts whether the petitioner had also put forth his candidature as a domicile of the State of Chhattisgarh.

6. Given the said facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the petitioner to immediately approach the respondent No.2 & 3 by way of a representation to be made within a period of 7 days along with all supporting documents on his claim put forth as an unreserved category. That on such representation being made the respondents No.2 & 3 shall within a further period of three weeks from the date of receipt of representation decide the claim of the petitioner, particularly decide as to whether the petitioner would be entitled for being considered as an unreserved category candidate on the basis of Annexure P/2-the domicile certificate that he has enclosed along with the writ petition based on the relaxation given by the State of Chhattisgarh vide circular dated 30.01.2019.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved