

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 2677 of 2021

Jyoti Sidar, D/o. Sukal Ram Sidar, Aged About 35 Years, Village Parkipahri, Post Samaruma, Tahsil Tamnar, District Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. Ganga Prasad Dhoba, S/o. Ratan Lal Dhoba, Resident Punjipathra, Tahsil Tamnar, District Raigarh, Chhattisgarh.
2. Superintendent Of Police, Raigarh, District Raigarh, Chhattisgarh
3. Collector Of Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Manohar Lal Sharma, Advocate
For State/Respondents	:	Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

ORDER

05.07.2021

Heard

1. Challenge in this petition is to the election of respondent No.1 on the ground that he belong to Dhobi whereas he procured the case certificate as Dhoba and was elected. It is submitted that the petitioner being aggrieved filed the election petition on 12.03.2020 and the criminal complaint with the Raigarh police, but on the ground of limitation that was dismissed.
2. Learned counsel for the petitioner would submit that the respondent No.1 by concealing the caste certificate on the basis of a forged caste certificate has contested and won the election, which required to be set aside and the entry in the revenue records which is described as Dhobi would demonstrate the fact that he do not belong to caste Dhoba. Consequently, the order passed by the Collector on 12.04.2021 be set aside.
3. Primarily, it appears that the entire allegation is that the respondent No.1 on the basis of a forged caste certificate has contested the election, the case certificate has been filed as Annexure P-1. The Chhattisgarh Scheduled Castes, Scheduled Tribes & Other Backward Classes (Regulation of Social Status Certification) Act, 2013 is a complete code which takes into sweep even the

cancellation and confiscation of false social caste certificate in Chapter-IV. Therefore, until the caste certificate is set aside by the competent authority under the Act, 2013, it would hold the field. Since the complete procedure has already been laid down in the Act, 2013, the petitioner shall be at liberty to approach the concerned authority under the Act, 2013, if so advised. Thereafter, the petitioner shall have the cause of action, if any, on any future date.

4. With such observation, the petition stands disposed off.
5. Registry is directed to return the certified copy of the order dated 12.04.2021 after retaining the photocopy of the same.

Sd/-
(Goutam Bhaduri)
JUDGE

Aks