

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3835 of 2021**

Emanuel Minz S/o Late Stanish Aged About 54 Years Caste Oraon,
Resident Of 4/a, Street 38, Sector 10, Civic Centre Bhilai , Tehsil and
District Durg , Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through its Secretary, Department of Tribal Welfare, Mahanadi Bhawan, Nawa Raipur , Chhattisgarh.
2. The Sub Divisional Officer (Revenue) Durg Tahsil and District Durg Chhattisgarh. --- **Respondent**

For the Petitioner	: Mr. Lov Kumar Ramteke, Advocate.
For the State/Respondents	: Mr. Anmol Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****21.09.2021**

1. Learned counsel for the petitioner submits that the petitioner has applied for caste certificate under ***The Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013*** and along-with the application, the "Inability Memo" has been filed as per Rule 6 of ***The Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Rules, 2013***.
2. Rule 6 of Rules 2013 prescribed that if the applicant belongs to Scheduled Caste or Scheduled Tribe and applied for obtaining certificate, in-spite 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 on the back of Return Memo.
3. The documents filed along with the petition shows that the petitioner

has filed the "Inability Memo" in Form-3C as per Annexure P-3. Sub-rule (2) of Rule 6 further contemplates that on receipt of Inability Memo, the Competent Authority shall not demand for the required document(s) under sub-rule (3) of Rule 3 and shall proceed to inquire the claim of the applicant under Rule 8. However, the applicant should keep himself present during such enquiry on different dates so as to prove the claim his social status.

4. Since the applicant appears to have filed the Inability Memo, under the circumstances, respondent no.2 is directed to go into the matter as required under Rule 6(2) of Rules 2013 and may make an enquiry about the residence, permanent address, revenue records etc., as contemplated in Rule 8 and thereafter shall decide the application of the petitioner.
5. With such observation, this writ petition stands finally disposed off.

**Sd/-
GOUTAM BHADURI
JUDGE**