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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(C) No. 4885 of 2021**

Satyendra Kumar Sahare, S/o. Kailash Prasad Sahare, aged about 30 years,
R/o. Village and Post Bamhnidih, Police Station Bamhnidih, District Janjgir
Champa (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Tribal Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh).
2. High Power Caste Certificate Scrutiny Committee, Through Vice President-Cum-Director, Adim Jati Anusandhan Avam Prashikshan Sansthan, State Of Chhattisgarh, Pt. Ravishankar Shukla University, Premises, Raipur (Chhattisgarh).
3. The Collector, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. The Sub Divisional Officer (Revenue), Champa, District Janjgir Champa Chhattisgarh.
5. The Tahsildar, Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner : Mr. Goutam Khetrapal, Advocate

For Respondents/State : Mr. Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Rajendra Chandra Singh Samant**Order on Board****02.12.2021**

Heard

1. It is submitted by the learned counsel for the petitioner that the petitioner is member of Mahar caste, which is schedule caste in the

State of Chhattisgarh. The petitioner has been issued temporary caste certificate by the respondent No.5 on 01.07.2016. The petitioner has filed an application for issuance of permanent caste certificate 01.03.2021, before the respondent No.3, but the same is pending and no decision has been taken on the same so far.

2. It is submitted that Premendra Sahare is real brother of the petitioner, who had preferred W.P.(C) No. 28 of 2016 against the State authorities and this Court vide order dated 25.02.2016 issued a direction and that direction has complied and permanent caste certificate has been issued to Pramendra Sahare. Therefore, non-issuance of permanent caste certificate is discriminatory. It is prayed that appropriate direction be issued to the respondents authorities.
3. Learned State counsel makes objection to the submissions made by the leaned counsel fro the petitioner and submits that proceeding may be in progress, which may take sometime. However, this petition may be disposed off with appropriate direction.
4. Considered on the submissions and perused the documents placed on record.
5. The respondent No.5 has already a temporary caste certificate vide Annexure P-1 dated 01.07.2016. In the order dated 25.02.2016 in W.P.(C) No. 28 of 2016, this Court made the following observation, which is as under :-

“5. Therefore, in these circumstances, the Collector is required to take a decision in accordance with the finding which have been recorded by the High Level Caste Scrutiny Committee on 28.06.2021 in respect of the status of Ramlal Sahare and Dr. Mohanlal Sahare, subject, of course, of factual verification of the petitioner's claim that

his father Kailash Sahare and Dr. Mohanlal Sahare and Ramlal Sahare are all real brothers and descendant of common ancestor Budguram Sahare. The decision shall be taken by the Collector within a period of three months from the date of receipt of this order."

6. After considering on the submissions and the related circumstances regarding grant of caste certificate, which have been referred to by the petitioner, this petition is disposed off at motion stage. The respondent No.3 is directed to take into consideration the representation filed by the petitioner and take decision on the same in accordance with law within a time limit of 30 days from today.
7. With these observations, this petition stands disposed off.

(Rajendra Chandra Singh Samant)
Judge