

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.27524 of 2022

(Through Hybrid mode)

Manoj Kumar Jaiswal

....

Petitioner

Mr. Ram Prasad Mohapatra, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Mr. A. K. Nanda, Addl. Govt. Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER

08.12.2022

Order No.

03.

1. Mr. Mohapatra, learned advocate appears on behalf of petitioner and submits, his client was issued social status certificate on 4th July, 2022. His client then applied for correction of his surname in the certificate. He submits, annexure-5 is the certificate, annexure-6 is the rejection of his application for correction and annexure-7 is cancellation of the certificate. He draws attention to paragraph 8 in the writ petition, reproduced below.

“8. That the petitioner after receipt of the Certificate issued by Opposite party No.3 ascertained that his surname has been reflected as “Jaibhainsa” in place of “Jaiswal” for which he approached the Opposite party No.3 for correction of surname as “Jaiswal” in place of Jaibhainsa” but the Opposite party No.3 instead of correcting the surname rejected the application due to lack of document and later cancelled the certificate which was issued in favour of the petitioner.”

He prays for direction upon opposite party no.3 to reconsider his client's application for correction of the certificate on setting aside annexures 6 and 7.

2. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of State. On query from Court he confirms that opposite party no.3 is the authority, who issued the certificate.

3. Cancellation may be on declaration of the certificate as fake. In the circumstances, annexures 6 and 7 are set aside and quashed for opposite party no.3 to reconsider petitioner's application for correction. Result of the consideration, either by correction or rejection on no information given by petitioner as to why the correction is to be made, is to be done by four weeks from communication. Opposite party must keep in mind the difference between correction and a proceeding to declare a social status certificate as fake. Court has noticed that by annexure-6 it was said that the case was rejected due to non-submission of requisite documents. That would imply there was no case for correction. It should not have resulted in cancellation. The interim order will subsist till two weeks after decision is made known by opposite party no.3 to petitioner.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

RKS