IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 4859 of 2020

BETWEEN:-

NEHA RAY S/O GANGADHAR RAY, AGED ABOUT 21 YEARS, 77 BENGALI COLONY DIST. INDORE (MADHYA PRADESH)

.....PETITIONER

(SHRI VAIBHAV PATEL APPEARED FOR PETITIONER)

AND

1. **GENERAL ADMINISTRATION DEPARTMENT PRINCIPAL SECRETARY VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **STATE OF MP THROUGH COLLECTOR COLLECTOR OFFICE INDORE DIST. INDORE (MADHYA PRADESH)**

3. **SUB DIVISIONAL OFFICER (REVENUE) VIJAY NAGA INDORE COLLECTOR OFFICE. INDORE (MADHYA PRADESH)**

4. **TEHSILDAR VIJAY NAGAR ARERA INDORE COLLECTOR OFFICE. INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI KOUSTUBH PATHAK - GOVT. ADVOCATE FOR THE RESPONDENTS)

This petition coming on for admission this day, the court passed the following:

ORDER

The present petition under Article 226 of the Constitution of India has been filed seeking a direction to the respondent to declare the caste of the

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petitioner which is being disputed by the respondent authorities.

2. Brief facts of the case are that petitioner has appeared in the General Nursing Training Selection Test(GNTST) and Pre Nursing Selection Test (PNST)-2018 wherein the dispute is being raised with regard to the caste of petitioner. Petitioner has filed documents pertaining to her caste. However, the authorities have not recognized her belonging to "Namo Sudra" Caste to be covered under the Scheduled Caste category. Thereafter, petitioner filed an application before the SDO for declaration of her caste "Namo Sudra" under the Schedule Caste which was decided vide order dated 07.01.2019 stating that the caste "Namo Sudra" is not notified in the list published by the Government, therefore the caste certificate cannot be issued to her. Being aggrieved by the said order, she has filed an appeal before the Addnl. Collector, Indore seeking issuance of caste certificate which was partially allowed remanding the matter to the SDO for fresh adjudication. Hence, the present petition be allowed and respondents be directed to declare "Namo Sudra" under the scheduled caste category.

3. At this stage, learned Govt. Advocate raised the preliminary objection as regards maintainability of the present petition, in as much as, the petitioner can very well approach the 'High Level Caste Scrutiny Committee" for declaration of her caste in the light of the judgment passed by the Apex Court in the case of **Kumari Madhuri Patel Vs. Addnl. Commissioner, Tribal Development** reported **AIR 1995 SC 94.**

4. Admittedly, this Court cannot decide the caste of the petitioner and, therefore, the relief as sought for by the petitioner cannot be granted.

5. Accordingly, petition is disposed off with liberty to the petitioner to approach the "High Level Caste Scrutiny Committee" for declaration of her

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caste in the light of the judgment passed by the Apex Court in the case of **Kumari Madhuri Patil(supra).**

(S. A. DHARMADHIKARI)
JUDGE

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