CGHC010114712024 2026:CGHC:45194

RAGHVENDRA JAT Digitally signed by RAGHVENDRA JAT

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2115 of 2024

Order Reserved on: 6.8.2026

Order Delivered on: 27.10.2026

- Pallavi Meshram D/o Avindra Meshram Aged About 35 Years Caste Mahar, Resident Of Ward No. 10, Kalkapara Donghargarh, Tah. Dongargarh, District Rajnandgaon, Chhattisgarh.

... Petitioner(s)

versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Tribal Welfare, Mahanadi Bhawan, Nawa Raipur, Chhattisgarh.
2. The Collector Rajnandgaon District Rajnandgaon (C.G.).
3. The Sub Divisional Officer (Revenue) Dongargarh, Tah. Dongargarh, District Rajnandgaon, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Love Kumar Ramteke, Advocate.
For Respondent(s)/State	:	Mr. S. S. Choubey, G.A.

Hon’ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By way of this petition, the petitioner has prayed for following reliefs:-

   “10.1 That, this Hon'ble Court may kindly be pleased to call the entire records from the respondents.

   10.2 That, this Hon'ble Court may kindly issue a writ in the nature of Mandamus directing the respondent authority to issue Permanent Social Status Certificate (Caste Certificate) to the Petitioner, prescribed period granted under the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Rules, 2013.

   10.3 That, this Hon'ble Court may issue a writ in the nature of mandamus to the respondent no.2 & 3, who has not taken any action till date only to harass the petitioner. Therefore, order to take action against respondent no.2 & 3 should be passed.”

2. The petitioner, by way of the present petition, assails the order dated 09.02.2024 passed by the Additional Collector, District Rajnandgaon, Chhattisgarh, whereby the appeal preferred by the petitioner against the order dated 12.08.2022 passed by the Sub-Divisional Officer (Revenue), Dongargarh, District Rajnandgaon, Chhattisgarh, rejecting her application for issuance of a Social Status Certificate recognizing her as belonging to the Mahar

Scheduled Caste, has been dismissed and the order of the SDO (Revenue) has been affirmed. The application for issuance of the Social Status Certificate was rejected by the concerned authorities primarily on the ground that the forefathers of the petitioner were residents of Balaghat, Madhya Pradesh, and that the petitioner herself had produced an admission register from Balaghat, which falls within the State of Madhya Pradesh. It was further observed that the said document was issued on 27.03.2014, which, according to the authorities, indicated that both the petitioner and her forefathers were residents of Madhya Pradesh, and that the petitioner had failed to produce any documentary evidence showing her residence within the territory which now constitutes the State of Chhattisgarh prior to 10.08.1950. On the aforesaid basis, the application for issuance of the Social Status Certificate was rejected by both the authorities. Learned counsel for the petitioner, while assailing the impugned orders, submits that the State of Chhattisgarh was carved out of the erstwhile State of Madhya Pradesh and, therefore, mere residence of the petitioner or her forefathers in an area which, prior to the formation of the State of Chhattisgarh, formed part of Madhya Pradesh, cannot by itself be treated as a valid ground for denying the petitioner the benefit of her claimed social status. It is further submitted that if the petitioner was residing in the territory which subsequently became part of the State of Chhattisgarh, the fact that such territory was earlier within the State of Madhya Pradesh would not

disentitle her from claiming a Social Status Certificate in the State of Chhattisgarh merely on account of the subsequent reorganization of the State. It is, therefore, contended that the claim of the petitioner for issuance of a Social Status Certificate certifying her as belonging to the Mahar Scheduled Caste deserves to be considered in accordance with law, and that the impugned orders passed by the SDO (Revenue), Dongargarh, and the Additional Collector, Rajnandgaon, are liable to be set aside.

3. Learned counsel for the petitioner submits that the petitioner belongs to the Mahar Scheduled Caste category and is entitled to issuance of a permanent Social Status Certificate in accordance with law. It is submitted that the petitioner's grandfather, namely Bapu, son of Dadu, a resident of Katori, Tehsil Khairlanji, District Balaghat, Madhya Pradesh, was born on 30.06.1931 and had studied up to the first standard during the period from 30.04.1939 to 01.11.1939. Learned counsel further submits that the petitioner's father has been permanently settled at Tehsil Dongargarh, District Rajnandgaon, in the erstwhile undivided State of Madhya Pradesh, since the year 1987, and that, pursuant to the reorganization of the State of Madhya Pradesh, the area comprising Tehsil Dongargarh, District Rajnandgaon, has formed part of the State of Chhattisgarh with effect from 01.11.2000. It is further submitted that the petitioner and his/her siblings were born at Tehsil Dongargarh, District Rajnandgaon, when the said area

was part of the undivided State of Madhya Pradesh. Learned counsel submits that the petitioner's claim is also supported by the Circular dated 15.11.2010 issued by the General Administration Department, Government of Chhattisgarh, as well as the judgment dated 02.01.2020 passed in W.P.(C) No. 4725 of 2019. It is further submitted that the Government of India, Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, has issued a clarification regarding issuance of Scheduled Caste/Scheduled Tribe certificates consequent upon the reorganization of States, which also supports the petitioner's claim. Learned counsel places reliance upon the judgment of the Hon'ble Supreme Court in *Pankaj Kumar v. State of Jharkhand & Others*, Civil Appeal No. 4864 of 2021, decided on 18.08.2021, wherein the Hon'ble Supreme Court considered the effect of State reorganization on the entitlement of persons residing in a successor State and held that the claim of a person residing in a successor State as a consequence of the bifurcation or reorganization of an erstwhile unified State cannot be mechanically examined by applying the general principle of voluntary migration, and that Articles 341 and 342 of the Constitution, the relevant Presidential Orders and the legislation relating to reorganization of the State are required to be considered conjointly. Learned counsel also relies upon the judgment of the Chhattisgarh High Court in *Smt. Vidya Kumbhare v. State of Chhattisgarh & Others*, W.P.(C) No. 95 of 2021,

decided on 30.01.2023, and the subsequent judgment in W.A. No. 475 of 2024, *State of Chhattisgarh v. Smt. Vidya Kumbhare & Others*, decided on 30.07.2024, wherein the effect of territorial reorganization and the caste status of persons whose families had settled in the region forming part of the present State of Chhattisgarh were considered, and it was held that a claim cannot be rejected merely on the ground that the ancestors of the claimant were not residing within the boundaries of present-day Chhattisgarh prior to 1950, without properly considering the relevant territorial history and the effect of State reorganization. Learned counsel, therefore, submits that in view of the petitioner's continuous connection with the area now forming part of the State of Chhattisgarh, the reorganization of the erstwhile State of Madhya Pradesh, the aforesaid Government circulars and the judgments relied upon, the petitioner's claim for issuance of a permanent Social Status Certificate recognizing her/him as belonging to the Mahar Scheduled Caste deserves to be considered in accordance with law. It is accordingly prayed that the respondent competent authority, namely the Sub-Divisional Officer (Revenue), Dongargarh, District Rajnandgaon, Chhattisgarh, may kindly be directed to issue the permanent Social Status Certificate in favour of the petitioner in the interest of justice.

4. On the other hand, learned counsel for the State, opposing the petition, submits that the present petition, as framed and filed, is

devoid of merit and substance and that the petitioner has failed to establish any enforceable legal right warranting interference by this Hon'ble Court in exercise of its writ jurisdiction. It is submitted that the State of Chhattisgarh is a welfare State and, having regard to the substantial population belonging to Scheduled Castes and Scheduled Tribes, the State Government has taken appropriate measures for safeguarding their interests and for regulating the issuance of Social Status Certificates in accordance with the applicable rules, circulars and the judgments rendered by the Hon'ble Supreme Court and this Hon'ble Court. Learned State counsel further submits that, pursuant to the directions issued by this Hon'ble Court on 19.04.2023 in W.P.(C) No. 1811 of 2023, the petitioner preferred an appeal before the Additional Collector, District Rajnandgaon, Chhattisgarh, which was registered as Revenue Case No. 202305091400002/B-121/Year 2022-23, and after affording due opportunity of hearing to the parties and upon consideration of the documents available on record, the learned Additional Collector, vide order dated 09.02.2024, dismissed the appeal and affirmed the order passed by the Sub-Divisional Officer (Revenue), Dongargarh. It is submitted that the petitioner's claim for issuance of a permanent Social Status Certificate as a member of the Mahar Scheduled Caste was rejected on the ground that she had failed to establish that she or her ancestors were residing within the geographical area presently constituting the State of Chhattisgarh prior to the date of the Presidential

Notification dated 10.08.1950. Learned State counsel submits that, on the contrary, the material available on record indicates that the petitioner's grandfather was a resident of Katori, Tehsil Khairlanji, District Balaghat, Madhya Pradesh, and that the petitioner's father shifted and settled in the State of Chhattisgarh only in the year 1987. Thus, the petitioner's family admittedly came to reside in the area forming part of the present State of Chhattisgarh subsequent to the relevant cut-off date, and the petitioner has failed to produce any cogent and reliable documentary evidence establishing the residence of her ancestors within the geographical limits of present-day Chhattisgarh prior to 1950. It is, therefore, submitted that, in terms of the applicable rules governing issuance of Social Status Certificates, particularly the Rules of 2013, the petitioner does not satisfy the requisite conditions for issuance of the claimed certificate. Learned State counsel further submits that the authorities below have duly considered the claim of the petitioner, the documents placed on record and the applicable legal position, and have thereafter passed reasoned and speaking orders. There is, therefore, neither any illegality, arbitrariness nor perversity in the impugned order warranting interference by this Hon'ble Court. In view of the aforesaid submissions, learned counsel for the State submits that the petitioner has failed to establish any legal entitlement to the issuance of the Social Status Certificate and, consequently, the

present petition, being devoid of merit and substance, deserves to be dismissed.

5. The Hon'ble Supreme Court in the matter of ***Pankaj Kumar vs. State of Jharkand, (2021) 20 SCC 545*** has observed as under:-

> *"47. By introducing the 2000 Act, so far as the conditions of service of the serving employees is concerned, are indeed being protected by virtue of Section 73 read with Section 74 under Part VIII of the 2000 Act which clearly provides that such of the employees who were appointed immediately before the appointed date holding or discharging duties of any post or office in connection with the affairs of the existing State of Bihar in any area now falling in the successor State of Jharkhand shall continue to hold the same post or office in the successor State provided option has been exercised to remain in the State of Bihar, they shall be deemed to be duly appointed to the post or office of the successor State. As a consequence, such of the employees who are working immediately on or before the appointed date i.e. 15-11-2000 in those 18 districts which have been formed part of the State of Jharkhand in terms of Section 3 of the Act be deemed to be appointed in the respective successor State of Jharkhand, with their service conditions not*

to be varied to his disadvantage except with the previous approval of the Central Government.

54. The collective readings of the provisions of the 2000 Act makes it apparent that such of the persons whose place of origin/domicile on or before the appointed day was of the State of Bihar now falling within the districts/regions which form a successor State i.e. the State of Jharkhand under Section 3 of the 2000 Act became ordinary resident of the State of Jharkhand, at the same time, so far as the employees who were in public employment in the State of Bihar on or before the appointed day i.e. 15-11-2000 under the 2000 Act, apart from those who are domicile of either of the district which became part of the State of Jharkhand, such of the employees who have submitted their option or employees who are junior in the cadre of their seniority as per the policy of the Government of India of which a reference has been made, either voluntarily or involuntarily call upon to serve the State of Jharkhand, their existing service conditions shall not be varied to their disadvantage and stands protected by virtue of Section 73 of the 2000 Act.

56. It is made clear that person is entitled to claim benefit of reservation in either of the successor State

of Bihar or State of Jharkhand, but will not be entitled to claim benefit of reservation simultaneously in both the successor States and those who are members of the reserved category and are resident of the successor State of Bihar, while participating in open selection in the State of Jharkhand shall be treated to be migrants and it will be open to participate in general category without claiming the benefit of reservation and vice versa.

57. We are of the view that the present appellant Pankaj Kumar in civil appeal arising out of SLP (Civil) No. 13473 of 2020, being a serving employee in the State of Jharkhand by virtue of Section 73 of the 2000 Act, would be entitled to claim the benefit of reservation including the privileges and benefits admissible to the members of Scheduled Caste category in the State of Jharkhand for all practical purposes including participation in open competition seeking public employment."

6. The Hon'ble Supreme Court in the matter of ***Akhilesh Prasad vs. Jharkhand Public Service Commission and others, (2022) SCC Online SC 510*** has observed as under:-

"17. In Pankaj Kumar, the father of the appellant belonged to District Patna (which, after reorganization, is now part of successor State of

Bihar) but resided in Hazaribagh (which is now part of State of Jharkhand) where the appellant was born. The appellant was appointed as Assistant Teacher on 21.12.1999 and after reorganization, his service was allocated to State of Jharkhand. While serving as a teacher, he appeared as a member of SC category in the Combined Civil Services Examination, and though his name appeared at Sl. No. 5 against 17 vacancies reserved for SC Category, he was not selected on the ground that he being permanent resident of Patna, he would be treated as a migrant in State of Jharkhand.

18. In this factual backdrop, the question that arose for consideration was as under:

"46. The question that emerges for our consideration in the instant appeals is whether a person, who has been a resident of the State of Bihar and where the Constitution (Scheduled Castes)/(Scheduled Tribes) Order, 1950 identifying castes/tribes is issued extending the benefit to members of SC/ST throughout the integrated State of Bihar which was later on bifurcated by virtue of a statutory instrument, i.e., the Act, 2000, into two successor States (State of Bihar and State of Jharkhand) with their rights and privileges to the extent being protected by legislative

enactment under the provisions of the Act 2000, could still be considered to be a migrant to the successor State of Jharkhand depriving them of their privileges and benefits to which the incumbent or their lineal descendants has availed from the very inception of the Presidential Order 1950 in the integrated State of Bihar."

20. As has been clarified in the decision in Pankaj Kumar, such of the employees who opt for service under a successor State after reorganization, their existing service conditions would not be varied to their disadvantage and would stand protected by virtue of Section 73 of the Act. Further, subject to the condition that such person would not be entitled to claim the benefit of reservation simultaneously in both the successor States, such employees would be entitled to claim not only the benefit of reservation in the service of the successor State to which they had opted and were allocated, but they would also be entitled to participate in any subsequent open competition with the benefit of reservation.

25. In the instant case and in the case of Pankaj Kumar, the appellants belonged to a particular community or tribe which was specified in the erstwhile State of Bihar as Scheduled Castes/Scheduled Tribes when they entered public service in the erstwhile State of Bihar. The appellants in both the cases were allocated to the service under State of Jharkhand though

they belonged to the areas which after re-organization are now part of the successor State of Bihar. By virtue of Sections 73 and 74 of the Act, they could certainly claim benefit in the service under the newly carved State of Jharkhand. On the strength of the view taken in Pankaj Kumar, the entitlement in a fresh service in State of Jharkhand as well as in accordance with the view taken by us in the instant case, the entitlement in the limited departmental examination in State of Jharkhand is definitely made out. The basis for their entitlement is primarily because of Sections 73 and 74 of the Act. It is quite possible that the progeny of such persons may have stayed back or may later decide to go back to their roots, that is to say, to the area which now falls in the newly carved State of Bihar; and since their lineage is from that area and the State, they may contend that they are entitled to benefits of reservation in the newly carved State of Bihar in relation to which State, the community that they belong, is a Scheduled Caste/Scheduled Tribe. Paragraph 55 of the decision in Pankaj Kumar is capable of being read as conferring entitlement on the wards or the progeny of the appellants in State of Jharkhand alone where in contradistinction to their lineage, they can claim to have connection only through their parent(s) and the effect of the provisions of the Act."

7. The High Court of Bombay in the matter of ***Vedant vs. State of Maharashtra*** passed in ***WP No. 3294/2022*** on ***8.5.2026*** has observed as under:-

> *"11. Reorganization of States on linguistic basis did not proceed on the basis of castes or tribes and therefore localities of persons entitled to the benefit of reservation got divided in different States. If upon removal of area restrictions, in the entire area of the State as originally existed on the date of notification of Constitution (Scheduled Castes/Scheduled Tribes) Orders, the persons concerned could avail of the benefit of reservation, there is no reason why they should not be denied such benefits upon reorganization of the States, in which a part of their locality was included.*
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> *12. This Court, in which one of us were member (Hon'ble Justice M.S. Jawalkar, J.) had an occasion to decide almost an identical controversy in Writ Petition No. 1210/2023. In the said matter, the father and ancestors of the petitioner originally hailed from Village Pendhari, Tah. Barghat, District Shioni, (Madhya Pradesh) and the petitioner also belong to 'Gond' tribe. In the said matter, after taking into consideration the entire case laws, and more particularly the judgments reported in Sudhakar Vithal Kumbhare vs. State of Maharashtra and ors. [2004(4) Mh.L.J. 784], Hitesh Dasiram Murkute vs. State*

of Maharashtra and ors. [2007(5) Mh.L.J. 454], and lastly Pankaj Kumar vs State of Jharkhand and ors (2021) 20 SCC 545, the said Bench held that the person like petitioner is entitled for the benefit and cannot be termed as a migrant.

13. The entire edifice of the impugned order seems to be on Sub Rule 3 of Rule 5 of 2003 Rules, which in our view is misconceived. This Court has rightly observed in the judgment referred supra, relying on Sudhakar Vithal Kumbhare (supra), "If a migrant belonged to a community which was recognised as Scheduled Caste or Scheduled Tribe in any locality which has been divided upon reorganization of States and his caste is recognised as Scheduled Caste/Scheduled Tribe even in such newly formed States, the migrant would be entitled to benefit of reservation even in the State, in which part of the locality other than his place of origin has gone." The said view also finds support in the case of Hitesh Dasiram Murkute referred to supra."

8. Having heard learned counsel for the parties and having perused the material available on record, it appears that the forefathers of the petitioner were residents of Balaghat, Madhya Pradesh and subsequently, the petitioner's father migrated to Dongargarh, which now falls within the State of Chhattisgarh. Before the reorganisation of the erstwhile State of Madhya Pradesh, both

Balaghat and Dongargarh formed part of the same State. However, following the reorganisation, Dongargarh became part of the newly constituted State of Chhattisgarh, whereas Balaghat remained within the State of Madhya Pradesh. Thus, the present case does not involve migration from one State to another in the ordinary sense, rather, it concerns a movement from one region of the erstwhile State of Madhya Pradesh to another region that subsequently became part of the State of Chhattisgarh pursuant to the reorganisation of the State.

9. In these circumstances, the claim of the petitioner cannot be rejected without proper consideration of the relevant facts and applicable legal principles. The objection raised by the Sub-Divisional Officer (Revenue) and the Additional Collector that the petitioner has failed to produce documents pertaining to the period prior to 1950 cannot, by itself, constitute a sufficient ground to reject the petitioner's claim without examining the circumstances arising out of the reorganisation of the erstwhile State of Madhya Pradesh. Since the areas in question formed part of the same State before reorganisation, the authorities were required to examine the documents relating to the erstwhile State of Madhya Pradesh and assess their evidentiary value while determining the petitioner's claim for issuance of a social status certificate.

10. The authorities were also required to consider the applicable provisions of the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Issuance and

Verification of Certificate) Rules, 2013, particularly the relevant provisions governing cases in which the prescribed documents cannot be produced. The petitioner's inability to produce documents pertaining to the period prior to 1950 specifically relating to the present State of Chhattisgarh ought to have been examined in the context of the historical and geographical circumstances of the case, along with the other documents submitted by the petitioner in support of his claim.

11. Furthermore, the authorities were required to consider the principles laid down by the Hon'ble Supreme Court in ***Pankaj Kumar v. State of Jharkhand, (2021) 20 SCC 545, and Akhilesh Prasad v. Jharkhand Public Service Commission, 2022 SCC OnLine SC 510***, insofar as those decisions address the protection of the rights and privileges of persons affected by the reorganisation of a State. Although the said decisions arose in the context of the reorganisation of the erstwhile State of Bihar and the formation of the State of Jharkhand, the principles laid down therein regarding the consequences of State reorganisation and the protection of existing rights require due consideration, to the extent applicable to the facts of the present case. The authorities must, therefore, examine whether the petitioner's claim is supported by the relevant historical records, applicable statutory provisions and the law governing the issuance of social status certificates. The claim cannot be rejected merely on the ground

that the petitioner has not produced documents pertaining to the period prior to 1950 without undertaking such an examination.

12. In view of the foregoing discussion, the impugned order dated 12.08.2022 passed by the Sub-Divisional Officer (Revenue) and the consequential order dated 09.02.2024 passed by the Additional Collector are hereby quashed and set aside. The matter is remitted to the competent authority for fresh consideration of the petitioner's claim for issuance of a social status certificate in accordance with law.

13. While reconsidering the matter, the authorities shall examine the claim of the petitioner in the light of the relevant provisions of the Rules of 2013, the documents available on record, the circumstances arising out of the reorganisation of the erstwhile State of Madhya Pradesh, and the principles laid down by the Hon'ble Supreme Court in *Pankaj Kumar* (supra) and *Akhilesh Prasad* (supra), to the extent applicable to the facts of the present case. The authorities shall not reject the petitioner's claim solely on the ground of non-production of documents pertaining to the period prior to 1950 relating specifically to the present State of Chhattisgarh, without considering the historical records and other relevant material produced in support of the claim.

14. The competent authority shall undertake and complete the aforesaid exercise within a period of 60 days from the date of receipt of a copy of this order, after affording the petitioner a

reasonable opportunity of hearing. The petitioner shall also be at liberty to submit a domicile certificate and any other relevant documents in support of his claim. The authorities shall duly consider such documents and pass a reasoned order in accordance with the applicable statutory provisions and the law governing the subject.

15. With the aforesaid observations and directions, the writ petition stands **disposed of.**

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat