
(2024) 06 UK CK 0005

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 463 Of 2019

Amar Pal Singh Gautam

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 03-06-2024

Acts Referred:

Citation : (2024) 06 UK CK 0005

Hon'ble Judges : Manoj Kumar Tiwari, J;Pankaj Purohit, J

Bench : Division Bench

Advocate : Rajendra Dobhal, Shubhang Dobhal, S.S. Chaudhary

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has sought the following relief:-

"(i) Issue a writ, order or direction in the nature of mandamus directing respondents to issue appointment letter to the petitioner on the post of Sub Registrar in registration department on the basis of selection of the petitioner in Public Service Commission, Combined State Civil/Upper Sub-ordinate Examination, 2012 in pursuance of the advertisement dated 04.09.2014 issued by the Public Service Commission."

2. Petitioner responded to an advertisement issued by Uttarakhand Public Service Commission, whereby applications were invited from eligible persons for Combined State Civil/Upper Sub-ordinate Service Examination, 2012. Petitioner claimed benefit of reservation available to persons belonging to Scheduled Caste of Uttarakhand by enclosing Caste Certificate. According to his Caste Certificate, petitioner is member of Scheduled Castes of Uttarakhand.

3. According to petitioner he was not only called for interview but he was also declared successful and his name was included in the final select list published by the Uttarakhand Public Service Commission, yet he has not been issued any

appointment letter, therefore, he approached this Court seeking a direction to the Competent Authority to issue appointment letter to him.

4. Learned State Counsel submits that petitioner is not member of Scheduled Caste of Uttarakhand; he wrongly obtained a Caste Certificate; which has now been cancelled by the Competent Authority. He has referred to the supplementary counter affidavit filed by Sudhanshu Kumar Tripathi, Assistant Inspector General Registration, Nainital. Para 4 and 5 of the said supplementary counter affidavit are reproduced below:-

"4. That in furtherance of the said communication and the reports submitted by the District Magistrate, Bijnor and District Basic Education Officer, Bijnor dated 09.03.2018 and 11.05.2018 respectively, it was verified that the petitioner has obtained appointment as Assistant Teachers in the State of Uttar Pradesh on the basis of the Scheduled Caste Certificate issued by the authorities of the State of Uttar Pradesh. Therefore, the Secretary, Finance, Government of Uttarakhand, taking into consideration all relevant reports and documents in the matter, passed a detailed, reasoned and speaking Office Order dated 26th August 2021 concluding that since the Scheduled Caste Certificate No. UKCAC0304/15 0008130 dated 12th March 2015 has been cancelled by the District Magistrate, Dehradun, consequently, the recommendation sent by the Uttarakhand Public Service Commission regarding selection of the petitioner on the post of Sub Registrar, Stamp and Registration Department (Finance Department) pursuant to the Uttarakhand Combined Civil/ Upper Subordinate Service Examination-2012, is cancelled.

5. That a perusal of the Office Order dated 26th August 2021 shows that while passing the said Office Order cognizance was also taken to the recommendation of the Caste Scrutiny Committee dated 24.02.2021 held under the chairmanship of District Magistrate, Dehradun, as communicated vide letter dated 22nd June 2021 of the District Magistrate, Dehradun, wherein it was held that the Scheduled Caste Certificate No. UKCAC 0304/150008130 issued in favour of the petitioner has been cancelled on 12th March 2015 on the ground that the documents annexed by the petitioner of Khatauni of Khata No. 53, Village Kawali of Fasli Year 1394 to 13999 (year 1986) are incorrect and even Sri Gautam has admitted before the Committee that the documents of land annexed by him for issuance of Scheduled Caste Certificate, the said land is not owned by him. On the basis of concerned documents and statements, the Scheduled Caste Certificate No. UKCAC0304/15 0008130 dated 12th March 2015 is cancelled and the Tehsildar Dehradun is directed that he may proceed further in respect of Scheduled Caste Certificate of Sri Amar Pal Singh Gautam by making inquiry of the documents submitted by him and should ensure to take necessary legal action against the then concerned Officer/ Employees as well as Sri Amar Pal Singh, in accordance with Rules."

5. Based on the aforesaid pleadings in the counter affidavit, learned State Counsel submits that since petitioner applied for appointment against a post

reserved for Scheduled Caste person and his selection was also against a reserved post, therefore, after cancellation of his Caste Certificate by the Competent Authority, he is not entitled to the relief claimed in the writ petition.

6. Learned Senior Advocate for the petitioner, however, submits that petitioner was declared successful in selection-in-question in 2017, while the caste certificate issued in his favour was cancelled by Competent Authority in 2021, therefore, cancellation order passed in 2021 cannot take away his eligibility with retrospective effect.

7. Be that as it may, since the caste status of petitioner has come under cloud and he is no more a Scheduled Caste of Uttarakhand, therefore, he cannot claim appointment in Uttarakhand against a post reserved for persons belonging to Scheduled Caste Category. From the material on record, it is revealed that petitioner was issued Scheduled Caste Certificate by Competent Authority in District Bijnor in State of U.P. on the strength of which he was appointed as Teacher in State of U.P. against a reserved post. One cannot be recognized as Scheduled Caste in two different States. Thus, there is no scope for interference. Accordingly, writ petition fails and is hereby dismissed.

8. However, petitioner shall be at liberty to challenge the order whereby his Caste Certificate was cancelled before the appropriate Forum.