
(2011) 07 JH CK 0257

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3746 of 2011

Arpita Kumari

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 18-07-2011

Acts Referred:

Citation : (2011) 4 JCR 309

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—The present writ petition has been preferred mainly for the reason that some caste certificate has been issued by the Block Development Officer, Sariya, Giridih, but, the petitioner requires caste certificate, which has been issued by the Sub Divisional Officer, Giridih. Learned counsel for the petitioner has argued out the case, at length that the petitioner has given application to the Sub Divisional Officer, Giridih, but, he is not issuing certificate on the line of which the Block Development Officer, Sariya, Giridih has already issued a caste certificate. I have directed Shri Dhananjay Dubey, learned G.P.-I, to immediately inquire into the matter because the matter required urgent hearing because the student is seeking admission in M.B.B.S. course.

2. Learned counsel appearing for the respondents vehemently submitted that the caste certificate has already been issued by the Sub Divisional Officer, Giridih on the line upon which the Block Development Officer, Sariya, Giridih has already issued the caste certificate. Thus, the prayer made by the petitioner was already settled by the Sub Divisional Officer, Giridih because the caste certificate has already been issued on 6th July, 2011, which is prior to the date of filing of this writ petition. Thus, all the allegations levelled against the respondent-officers by the petitioner are baseless and devoid of any merits. In fact, there was no need to file a writ petition because the petitioner was already having a caste certificate.

3. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that:

(i) The petitioner is already given a caste certificate by the Sub Divisional Officer, Giridih on 6th July, 2011 on the line of which, the Block Development Officer, Sariya, Giridih has already issued a caste certificate.

(ii) It appears that the petitioner has not informed the counsel, who is arguing on her behalf, that the caste certificate has already been issued on 6th July, 2011. Unnecessarily, the whole matter has been argued out and the Court has to take immediate steps for issuance of notice and the respondents have to immediately bring correct facts on record. Photocopy of the caste certificate, issued by the Sub Divisional Officer, Giridih on 6th July, 2011, is tendered to this Court by learned counsel for the respondents. Even today, the petitioner has not pointed out that the certificate has already been issued by the Sub Divisional Officer, Giridih on 6th July, 2011. Photocopy of the certificate dated 6th July, 2011 is taken on record.

(iii) In view of this certificate, learned counsel for the petitioner seeks permission to withdraw this writ petition, which is not allowed by this Court mainly for the reason that unnecessarily this writ petition has been preferred and the Court has to issue notice on 13th July, 2011 and the same is made returnable today and the correct fact has been brought to the notice of this Court, only by the respondents.

4. In view of the aforesaid facts, this writ petition is dismissed with a cost of Rs. 2,500/- (Rupees two thousand and five hundred), which shall be deposited by the petitioner before respondent No. 2, within a period of four weeks from the date of receipt of a copy of this order. If the amount is not deposited. I hereby direct respondent No. 2 to recover the aforesaid cost from the petitioner.