

(2010) 06 UK CK 0221
In the Uttarakhand High Court

Devesh Gangwar (Minor)

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 15-06-2010

Acts Referred:

Citation : (2010) 06 UK CK 0221

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.S. Verma, J.—Heard learned Counsel for the parties and perused the record.

2. Learned Counsel for the petitioner is agree that the writ petition be disposed of without counter version.

3. By means of this writ petition, the petitioner has sought following reliefs:

(I) Issue a suitable writ, order or direction declared unconstitutional/ultra virus and null and void the cutoff-date 17-09-1958 mentioned in column No. 3 in the Government Order No. 320/XVII-3/2010-20(36)/07 dated 31-03-2010 (contained in annexure No. 17) to the writ petition.

(II) Issue a writ, order or direction in the nature of certiorari for quashing the order dated 15-05-2010 passed by the Tehsildar Kichha, District Udham Singh Nagar (contained in annexure No. 18) to the writ petition.

(III) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to issue the (Kurmi) O.B.C. caste certificate to the petitioner.

(IV) Issue a suitable writ, order or direction, which this Hon''ble Court may bee deem fit and proper in the circumstances of the case.

(V) Award the cost of the petition.

4. Learned Counsel for the petitioner has stated that the impugned Government Order dated 31-03-2010 annexed as annexure No. 17 to the writ petition has been cancelled by the Government Order No. 707/XVII-3/10-20(36)/07 itself. Therefore, the relief No. 1 to the writ petition prayed by the petitioner has become in fructuous.
5. Learned Tehsildar, Tehsil Kichha, Udham Singh Nagar has rejected the application of the petitioner on the basis of the Government Order dated 31-03-2010 and other grounds also.
6. Since the Government Order dated 31-03-2010 is not in existence as on today. It was cancelled by the Government Order No. 707/XVII-3/10-20(36)/07. On the basis of the said Government Order the caste certificate of the petitioner was declined on the ground that the petitioner has failed to produce the evidence that his family was living prior to 17th September 1958.
7. In view of the above facts, since the Government Order dated 31-3-2010 was cancelled by the subsequent notification. The earlier order dated 15-05-2010 passed by the Tehsildar, Kichha, District Udham Singh Nagar is liable to be quashed.
8. The writ petition is allowed. The order impugned dated 15-05-2010 passed by the Tehsildar is hereby quashed and is directed that the fifth respondent shall reconsider the application of the petitioner and take decision afresh within a period of two weeks from the date of production of certified copy of this order in accordance with law/Government Order.
9. All pending applications stand disposed of accordingly.