
(2011) 01 UK CK 0042

In the Uttarakhand High Court

Case No : Writ Petition No. 2293 of 2010 (M/S)

Lalit Kumar, Km. Lalita Manwal

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 03-01-2011

Acts Referred:

Citation : (2011) 01 UK CK 0042

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard Mr. Lok Pal Singh, Advocate for the Petitioners and Mr. N.P. Shah, Standing Counsel for the Respondents.

By means of this petition the Petitioners have sought following relief-

(i) to issue a writ, order or direction in the nature of mandamus commanding/directing the Respondent No. 4 to issue scheduled caste certificate to the Petitioners.

(ii) to issue a writ, order or direction in the nature of certiorari quashing the condition of domicile in issuing of caste certificate as has been mentioned in the proceedings of meeting dated 28-6-2006 (contained as Annexure No. 7 to the writ petition)

2. According to the Petitioners their father Sri Krishan Pal S Ingh was resident of Village Kachhauri, District Muzaffarnagar, who belongs to Chamar caste which is scheduled caste in State of U.P. as well as in State of Uttarakhand. He joined his service at B.H.E.L. Haridwar in the year 1976 and since then he is residing at Hardwar. He also purchased house at Jwalapur Haridwar through registered sale deed dated 9-5-1986. The Petitioners got their education in Uttarakhand. The Petitioners were issued caste certificate by Tehsildar Haridwar on 23.11.1994 and 6.10.1998 respectively. They were also issued permanent resident certificates Annexure No. 5 to the writ petition. Now the Respondents took a decision to

issue the caste certificate by affixing photograph of the person to whom the caste certificate is being issued and earlier caste certificate issued will not be effective and shall be deemed to be cancelled. Therefore, the Petitioners moved application for issuance of caste certificates, but the Respondents are not issuing the caste certificates on the ground that the Petitioners are not the domicile of State of Uttarakhand.

3. Learned Counsel appearing on behalf of the Petitioners has submitted that the Respondent No. 4 be directed to decide the applications of the Petitioners (Annexure No. 6 to the writ petition) by a speaking and reasoned order at an early date. Prayer made is innocuous.

4. The Respondent No. 4, Tehsildar Haridwar is directed to dispose of the applications of the Petitioners (annexure No. 6 to the writ petition) filed by them for issue of caste certificates in their favour, within a period of one week from the date of production of certified copy of this order, by a reasoned and speaking order, after considering the relevant Government Orders.

5. With the aforesaid direction the writ petition is disposed of finally.