
(2019) 01 UK CK 0010

In the Uttarakhand High Court

Case No : Writ Petition (M Of S) No. 2699 Of 2018

Mishra Gopal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 07-01-2019

Acts Referred:

Citation : (2019) 01 UK CK 0010

Hon'ble Judges : Lok Pal Singh, J

Bench : Single Bench

Advocate : M.S. Tyagi, Suhaas R. Joshi, N.S. Pundir

Final Decision : Allowed

Judgement

Lok Pal Singh, J

1. This writ petition has been filed for the following reliefs:

i) Issue a writ, order or direction in the nature of certiorari to quash the impugned rejection order dated 04.09.2018 (contained as Annexure No.5 to this writ petition) passed by respondent no.2.

ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent no.1 and 2 to issue the caste certificate to the petitioner of Bahati caste belonging to O.B.C.

iii) Issue any other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. The case of the petitioner is that he belongs to the caste 'Bahati' which comes under the category of 'Other Backward Caste' in the State of Uttarakhand. In the year 2004 and 2008, on the application of the petitioner, caste certificate and permanent resident certificate were issued to the petitioner after due enquiry by the department concerned. The petitioner was selected for conselling of the post of Assistant Teacher (Science) under the OBC category, as such; he has to

produce his newly issued caste certificate before the respondent no.3. Hence, on 31.08.2018 the petitioner applied for fresh caste certificate annexing the copy of old caste certificate, but the same has been rejected vide order dated 04.09.2018. The grievance of the petitioner is that the similarly situated persons have got the caste certificate from respondent no.2 but the petitioner has been denied the same without affording any opportunity of hearing. It is the case of the petitioner that the petitioner is permanent resident of District Haridwar; his place of birth is village Doodhlayalwala situated in District Haridwar; he obtained his primary and higher education from the district Haridwar; and, his father and grandfather were residing in village Doodhlayalwala since 1964.

3. On 06.09.2018, the Coordinate Bench of this Court had passed the following order:

"...

Meanwhile, since the petitioner is facing a selection committee, wherein documents are to be examined for selection to the post of Assistant Teacher (Science), it is directed that the selection committee shall take into consideration the earlier OBC caste certificate and the permanent resident certificate granted in favour of the petitioner. This, however, shall be provisional in nature and shall depend upon final determination of the present writ petition. ..."

4. A short counter affidavit has been filed on behalf of respondent nos.1 and 2 stating that the application/representation of the present petitioner seeking caste certificate has been permanently granted vide certification dated 27.09.2018.

5. In view of the fact that caste certificate has been issued to the petitioner, this writ petition stands allowed. Impugned order 04.09.2018 passed by respondent no.2 is hereby quashed. No order as to costs.

6. Pending applications, if any, stand disposed of accordingly.