
(2010) 08 UK CK 0093
In the Uttarakhand High Court

Miss Arti Srivastava

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 09-08-2010

Acts Referred:

Citation : (2010) 08 UK CK 0093

Hon'ble Judges : V.K. Bist, J

Bench : Single Bench

Judgement

V.K. Bist, J.—By means of this writ petition, the petitioner has sought a writ in the nature of mandamus for a direction to the respondents to issue caste certificate to the petitioner forthwith.

2. Brief facts of the case are that petitioner belongs to Nai caste which is shown as Other Backward Caste (O.B.C.). Petitioner is residing in Kiccha, District Udham Singh Nagar since her birth. Father of the petitioner is residing in the State of Uttarakhand since 1983. Petitioner completed her entire education from the State of Uttarakhand. Petitioner participated in Entrance Examination of B. Tech and qualified the same. Therefore, the petitioner is in need of caste certificate. She applied for caste certificate before respondent No. 4-Tehsildar, Kiccha on 04.08.2010 but caste certificate is not being issued to the petitioner.

3. Learned Counsel for the petitioner submitted that father of the petitioner is living in the State of Uttarakhand since 1983. He also submitted that petitioner is born in the State of Uttarakhand and from her childhood she studied in the State of Uttarakhand. Thus, it cannot be said that petitioner is not original resident of State of Uttarakhand. He further submitted that petitioner applied for the caste certificate before Tehsildar, Kiccha but the Tehsildar illegally rejected the same. Learned Counsel for the petitioner relied on paragraph 7 of the judgment given by the Division Bench of this Court in writ petition No. 316 of 2008 (S/B) in which this Court has observed that for defining expression 'original resident' one aspect which can be taken in constructing the interpretation is to include the period of residence of 15 years so as to connote the purpose and meaning of the

expression 'original resident?'. He argued that the action of the respondents in denying the caste certificate to the petitioner is not only illegal but also arbitrary.

4. Prima facie, this Court is of the view that at the time of creation of State of Uttarakhand, the petitioner was residing in State of Uttarakhand. She is born and brought up in Kiccha, District Udham Singh Nagar. Now it cannot be said that she is not original resident of State of Uttarakhand. But, since final decision has not been taken by the Tehsildar so far, no order interim or final can be passed at this stage. But, in the interest of justice, the writ petition is disposed of with a direction to respondent No. 4-Tehsildar Kiccha, District-Udham Singh Nagar to take final decision on the application of the petitioner in accordance with law within a period of three days from the date of production of certified copy of the order.

5. Let a certified copy of the order be given to the counsel for the parties today on payment of usual charges.

6. Interim relief application No. 6568 of 2010 also stands disposed of.