
(2011) 12 UK CK 0078

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2633 of 2011

Mohd. Faraz Khan

APPELLANT

Vs

State of Uttarakhand and another

RESPONDENT

Date of Decision : 15-12-2011

Acts Referred:

Citation : (2011) 12 UK CK 0078

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Judgement

Sudhanshu Dhulia, J.—Heard Mr. Virendra Kaparwan, Advocate for the petitioner and Mr. H.M. Raturi, Standing Counsel for the State of Uttarakhand.

2. The petitioner has applied for a caste certificate before the Tehsildar, Rishikesh, District Dehradun. According to the petitioner, he belongs to "Other Backward Class" (from hereinafter referred to as OBC) known as "Sakka", which is notified as OBC in the State of Uttarakhand, yet the caste certificate is not being issued to him. The innocuous prayer of the petitioner is that directions be given to the authorities to decide his application for caste certificate.

3. As such, the writ petition is disposed of at this stage itself with the direction to the Tehsildar, Rishikesh/respondent no. 2 to dispose of the representation of the petitioner in accordance with law. Tehsildar, Rishikesh is also at liberty to conduct an inquiry in the matter in order to arrive at the veracity of the claim of the petitioner regarding his caste. In case the Tehsildar, Rishikesh finds that the petitioner belongs to the caste, as alleged, and he is a bona fide resident of Rishikesh, district Dehradun, Uttarakhand, the caste certificate shall be issued to him as expeditiously as possible, but definitely within a period of ten weeks" from the date a certified copy of this order is produced before him. However, it is made clear that before any such exercise, the concerned authorities shall take an affidavit from the petitioner that he is a permanent resident of State of Uttarakhand and he has not asked for such a certificate nor received one from any place or any other State in India. It goes without saying that in case the

averments of such an affidavit found to be false, the concerned authorities must take action in accordance with law against the petitioner or the person giving such an affidavit.

4. With the above directions, writ petition is disposed of. The concerned authority shall satisfy itself regarding other eligibilities but shall not refuse the caste certificate merely on the question of domicile, as the same is irrelevant.

5. No order as to costs.