

(2018) 04 RAJ CK 0045
In the Rajasthan High Court
Case No : Civil Writs No. 8339 of 2018

Preeti Yadav And Ors @APPELLANT@Hash State Of Rajasthan And Ors

Date of Decision : 27-04-2018

Acts Referred:

Citation : (2018) 04 RAJ CK 0045

Hon'ble Judges : SANJEEV PRAKASH SHARMA, J

Bench : Single Bench

Advocate : Vijay Yadav, Akshit Gupta, J.M. Saxena

Final Decision : Allowed

Judgement

Counsel for the State appears and points out that the issue involved in the present writ petition is no more res integra and stands covered by the

judgment passed by the coordinate Bench in S.B.Civil Writ Petition No.3968/2017- Manju Yadav Vs. State of Rajasthan and other connected matters

decided on 29.11.2017 wherein following order was passed: -

â??In any case, present writ petitions are disposed of with following directions, as agreed-

1.The circular dated 8.4.1994, issued by Central Government is made applicable in the present cases also, however, OBC certificate would be issued

by the State authorities only after getting verification of fatherâ??s income and caste from the State from where a candidate has migrated. The

required verification would be sought by the SDO to whom application is submitted by the candidate. In case, verification is sought, the prescribed

authority of the State of Haryana would send it not only indicating the category in which the candidate falls i.e. whether OBC or any other category in

their State and the income of the candidateâ??s father as to whether he is falling in creamy layer or not. The assessment of the creamy layer would

be in reference to what is prevalent in the State of Haryana. It would be after proper verification and giving details. Accordingly, all the authorities in the State of Haryana, impleaded as party respondents in majority of writ petitions, would comply the direction aforesaid in consonance to the circular dated 8.4.1994.

2. On receipt of verification from the prescribed authority of the State of Haryana, competent authority in the State of Rajasthan would appropriately

issue OBC certificate indicating whether the candidate is falling in the creamy layer or not. The said certificate would be issued only if the petitioner

was an OBC candidate in the State of Haryana and is falling in the same category in the State of Rajasthan and not otherwise. The direction aforesaid

would resolve the grievance in regard to issuance of OBC certificate. The compliance of this order would be made by the parties in the State of

Rajasthan as well as State of Haryana in consonance to the circular issued by the Government of India dated 8.4.1994.

3. The competent authority in the State of Rajasthan would take steps for issuance of caste certificate at the earliest.

4. The issuance of caste certificate/certificate for taking benefit of reservation would remain subject to final outcome of the judgment of the Apex

Court. If it goes against then petitioner/s, would not be entitled to get benefits of reservation. A copy of this judgment be placed in each connected

file.??

Taking into consideration aforesaid directions, this Court finds that in the present case the petitioner has

prayed for issuance of the Certificate on the basis of her residence after marriage in State of Rajasthan and in view thereof and in terms of the

aforesaid order passed in the judgment of Manju Yadav (cited supra), the present writ petition is allowed. In this writ petition, the directions as quoted

above shall be applied mutatis mutandis equally and the State is now directed to immediately take up steps. Concerned SDM in relation to present

petitioner is directed to take steps for issuing OBC certificate in line of the aforesaid directions as early as possible.

With the aforesaid directions, the writ petition is allowed.

It is made clear that the concerned Authority issuing the OBC/SC/ST certificate to the concerned petitioner would be entitled to get the same verified

from the concerned State Government where the petitioner was erstwhile residing before marriage and in this regard the concerned competent authority would be entitled to take all steps for communication with the concerned State Government.