

(2010) 07 UK CK 0159
In the Uttarakhand High Court

Punit Singh Gautam

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 23-07-2010

Acts Referred:

Citation : (2010) 07 UK CK 0159

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

Bench : Single Bench

Judgement

V.K. Bist, J.

Writ Petition No. 1259 of 2010 (M/S)

1. List in the week commencing 9th August, 2010. In the meantime respondents may file counter affidavit.

Stay Application No. 5958 of 2010

2. By means of this writ petition, the petitioner has sought a writ in the nature of certiorari for quashing the impugned rejection order dated

15.07.2010 passed by respondent No. 4-Tehsildar, Kiccha Udham Singh Nagar.

3. Brief facts of the case are that father of the petitioner is working on the post of Assistant in Govind Ballabh Pant University of Agriculture and

Technology, Pantnagar since 26.02.1994. Petitioner was born and brought up in the State of Uttarakhand. He belongs to Chamar caste which is

shown as Scheduled Caste (S.C.) in the notification issued by the State of Uttarakhand. After completing his secondary education, petitioner

appeared in All India Engineering/Agriculture Entrance Examination, 2010. He qualified the same. Due to this reason the petitioner is in urgent need

of caste certificate. Therefore, petitioner submitted an application for issuance of

caste certificate before respondent No. 4-Tehsildar, Kiccha

District-Udham Singh Nagar. But his application was rejected on the ground that caste certificate cannot be issued to him as he is original resident

of State of Uttar Pradesh. Aggrieved by the order dated 15.07.2010 present writ petition has been filed.

4. Learned Counsel for the petitioner submitted that father of the petitioner is residing in Pantnagar since 1994. He submitted that the petitioner

was born and brought up in the State of Uttarakhand. He passed his secondary education in the State of Uttarakhand. In such circumstances it

cannot be said that he is not original resident of State of Uttarakhand. 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.

5. Prima facie, I am satisfied with the arguments advanced by learned Counsel for the petitioner. Therefore, direction is issued to respondent No.

4-Tehsildar Kiccha, District-Udham Singh Nagar to issue provisional caste certificate to the petitioner in accordance with law within a period of

three days from the date of production of certified copy of the order. The same shall be subject to the decision of the writ petition. The petitioner is

also directed to complete required formalities at the time of submission of certified copy of the order.

6. Let a certified copy of the order be given to the counsel for the parties within 24 hours on payment of usual charges.

7. Application stands disposed of.