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**(2010) 08 UK CK 0148**  
**In the Uttarakhand High Court**

Rakesh Kumar(Minor) through his father and Km. Sunita  
(Minor)

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

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**Date of Decision :** 18-08-2010

**Acts Referred:**

**Citation :** (2010) 08 UK CK 0148

**Hon'ble Judges :** Brahma Singh Verma, J

**Bench :** Single Bench

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## Judgement

B.S. Verma, J.—Heard learned Counsel of the parties and perused the record.

2. By means of this writ petition, the petitioners have sought following reliefs:

(i) Issue a writ of certiorari quashing the impugned order dated 13-08-2010 passed by the respondent No. 4.

(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent Nos. 3 and 4 to issue the Schedule Caste Certificate to the petitioners forthwith treating them to be bonafide resident of State of Uttarakhand.

(iii) Issue any other order or direction which this Hon?ble Court may deem fit and proper in the circumstances of the case.

(iv) Award the cost of the petition in favour of the petitioners.

3. Learned Counsel for the petitioners has submitted that the impugned order has been passed without giving opportunity of hearing to the petitioners.

4. I have perused the impugned order. This fact is not disputed that the application of the petitioners have been rejected without giving opportunity of hearing.

5. In the face and circumstance of the case, the petitioners are giving liberty to make a representation within three days to the respondent No. 4 i.e. Tehsildar,

Tehsil Kichha, District Udham Singh Nagar, and also enclosed all the documents in support of their claim. If the representation is made by the petitioners, the same shall be decide by the respondent No. 4 i.e. Tehsildar, Tehsil Kichha, District Udham Singh Nagar and pass fresh order after considering all the evidence and Government Order dated 27-05-2004 and judgment passed by this Court in writ petition No. 1359 of 2009(M/S), Paras v. State of Uttarakhand, by speaking and reasoned order within a period of one week from the date of presentation of representation.

6. With the said direction, the writ petition is disposed of.

7. The certified copy of this order be supplied to the learned Counsel for the petitioners by tomorrow on the payment of usual charges.