
(2003) 04 AHC CK 0235
In the Allahabad High Court
Case No : C.M.W.P. No. 17950 of 2003

Ram Pravesh Vishwakarma

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 25-04-2003

Acts Referred:

Constitution of India, 1950 — Article 14, 19

Citation : (2003) 5 AWC 3492

Hon'ble Judges : R.S. Tripathi, J;M. Katju, J

Bench : Division Bench

Advocate : K.K. Mani, for the Appellant;

Final Decision : Allowed

Judgement

M. Katju and R.S. Tripathi, JJ.—Heard learned Counsel for the sPetitioner and learned Standing Counsel.

2. The facts of this case are fully covered by the Division Bench decision of this Court in Ram Bharosey v. State of U.P. and Ors. 2000 (93) RD 659.

3. As observed in the above decision, the persons, who can participate in the public auction/ tender for grant of fishery lease or any other kind of lease, cannot be confined to only members or societies or group of particular castes, e.g., Kewat, Mallah, Dheemar, etc.

4. Learned Counsel for the Petitioner stated that the Petitioner is Lohar by caste and the Respondents intend to give the fishery lease only to the people of Machhuwara caste. In our opinion, that would be violative of Articles 14 and 19(1) (g) of the Constitution. Ours is a free democratic country and any person can do any kind of trade or business and no trade or business can be allowed to be given to any particular caste or group of particular castes as that would not only be violative of Articles 14 and 19(1)(g) of the Constitution but would also perpetuate the caste system which is a curse to our society because of which the country is unable to progress. Hence, every one of any caste may be allowed to

bid in the auction or tender in question.

5. This petition is accordingly allowed and Respondents are directed to allow all persons to bid in the auction in question irrespective of their caste or religion.