
(2020) 03 CHH CK 0017
In the Chhattisgarh High Court
Case No : Writ Petition (C) No.787 Of 2020

Ranjana Jaithwar

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Citation : (2020) 03 CHH CK 0017

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Love Kumar Ramteke, Abhyunnati Singh

Final Decision : Disposed Of

Judgement

@JUDGMENT-JUDGMENT

1. The present writ petition has been filed seeking an appropriate direction to the respondent No.2 for issuance of appropriate caste certificate in favour of the petitioner.

2. According to counsel for the petitioner, the petitioner belongs to â??Katia Casteâ? which falls within the Scheduled Caste Category. The petitioner

moved an application before respondent No.2 for issuance of the said caste certificate. According to the petitioner, the application has been kept in

abeyance enabling the petitioner to provide the documents to show that the petitioner's ancestors were of Tehsil Dondi prior to 1950. The contention

of counsel for the petitioner is that the petitioner is originally a resident of District Balaghat, which presently falls in Madhya Pradesh and the said

place was within the unified Madhya Pradesh as it then was prior to 01.11.2000.

3. Further the contention of the petitioner is that such requirement is not required at all. There are mechanism available under the Chhattisgarh

Scheduled Castes, Scheduled Tribes & Other Backward Classes (Regulation of Social Status Certification) Rules, 2013 (hereinafter referred as

'Rules 2013') enacted by the State Government under which the certificate has to be issued to the petitioner. He further submits that there are circular

of the State Government which says that for the purpose of issuance of certificate, the requirement of document prior to 1950 would not be

necessary. The further contention of the petitioner is that the respondent authorities can at any time enquire so far as the caste status of the petitioner

is concerned keeping in view the provisions of Rule 2013 as envisaged above.

4. The petitioner also refers to the order of the State of Chhattisgarh, General Administration Department dated 15.11.2010 whereby the State

Government as a policy decision had held that all those persons who falls within the Scheduled Caste & Scheduled Tribe category who were earlier

residents of the erstwhile State of Madhya Pradesh before the formation of the State of Chhattisgarh and who had shifted to the Chhattisgarh region

before the State was created would be entitled for issuance of caste certificate and benefits of the concerned category as it was being provided in the

erstwhile State of Madhya Pradesh. The petitioner's case also is one which squarely falls in terms of the order dated 15.11.2010 and the caste also is

one which is reflected in the said order of the State Government.

5. The State Counsel at this juncture submits if the petitioner does not have relevant records, they can produce the Inability Certificate, as is required

under the Rules of 2013, based upon which the authorities concerned shall proceed further with the enquiry proceedings and shall pass an appropriate

order.

6. Given the aforesaid facts of the case, particularly taking note of the provisions of Rules 2013, this Court is of the opinion that ends of justice would

meet if the petitioner is directed to approach the Respondent No. 2 again and submit Inability Certificate if the petitioner does not have the documents

prior to 1950. At the same time, the petitioner would also produce the available records to establish caste status. The Respondent No.2 thereafter shall

conduct an enquiry as per the provisions envisaged in Rules 2013 and take an expeditious decision on the application of the petitioner preferably within

a period of 4 months from the date of receipt of copy of this order.

7. It shall be the responsibility of the petitioner to apprise the Respondent No. 2

so far as the order passed by this Court is concerned.

8. With the aforesaid observations, the present Writ Petition stands disposed off.