
(2021) 05 UK CK 0063
In the Uttarakhand High Court
Case No : Writ Petition (M/S) No. 12 Of 2018

Rashid Shah

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 24-05-2021

Acts Referred:

Citation : (2021) 05 UK CK 0063

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Tarun Prakash Singh Takuli, T.S. Phartiyal, V.P. Khanduri

Final Decision : Allowed

Judgement

Manoj Kumar Tiwari, J

1. According to the petitioner, he belongs to a community which has been identified as O.B.C. in State of Uttarakhand. Petitioner applied for a caste certificate. His application has been rejected by the Competent Authority. The rejection order is on record as Annexure No.1 to the writ petition.

2. In the rejection order, the reason assigned is that the petitioner has not enclosed any evidence in respect of 1985. The said remark in the rejection order does not make any sense. It was incumbent upon the competent authority to assign reason for rejection of petitioner's application. Passing a reasoned order is one of the concomitant of the principles of natural justice.

3. Since the impugned order does not disclose reason for rejecting petitioner's application, therefore, the same is liable to be quashed and is hereby quashed. The writ petition is allowed. Petitioner is given liberty to make fresh application for grant of O.B.C. Certificate within three weeks from today. Petitioner shall enclose all documents in support of his claim that he

belongs to O.B.C. category. The Competent Authority shall thereafter look into the matter and after making necessary inquiry, shall pass a speaking and reasoned order in accordance with law within four months from the date of receipt of petitioner's application.