
(2010) 12 UK CK 0204
In the Uttarakhand High Court
Case No : Writ Petition No. 2080 of 2010

Sandhya Arya

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 09-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0204

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard Mr. Chetan Joshi, Advocate for the Petitioner and Mr. P.C. Bisht, Brief Holder, appearing on behalf of the Respondents.

2. By means of this petition the Petitioner has sought a writ in the nature of mandamus directing the Respondents to issue domicile, caste certificate to the Petitioner of Scheduled Caste (Jatav Community) as notified by the Government.

3. According to the Petitioner she is permanently residing in Uttarakhand by birth and was born in the family of Sri Brij Lal residing in Hempur Ismail, Bengali Colony Bazpur Road, Kashipur, District Udham Singh Nagar. The Petitioner was issued a caste certificate of Jatav Community falling under Scheduled Caste category on 2.8.2000. The Petitioner was married to one Sri Om Prakash R/o Moradabad on 25.1.2006. After marriage the Petitioner has decided to live with her parents along with her husband in Kashipur at her parental house and as such is residing here soon after her marriage. The Petitioner applied for issue of Caste Certificate in her favour but the Respondents are not issuing caste certificate in her favour on the ground that since she is married and her husband's residence is in Moradabad and she cannot be granted the caste and domicile certificate. Therefore, the Petitioner has submitted that the Tehsildar be directed to take a decision on the application of the Petitioner for issuance of caste certificate.

4. It is pertinent to mention here that the Petitioner claim to be a Scheduled

Caste, but she has nowhere disclosed in the writ petition as to whether her parents originally belongs State of Uttarakhand, to undivided State of Uttar Pradesh or some other State. Therefore, the Petitioner shall also file an affidavit before the Tehsildar Kashipur to this effect whether her parents originally belongs to State of Uttarakhand, to undivided State of Uttar Pradesh or some other State. If the Petitioner file such an affidavit before Respondent No. 3, thereafter the Tehsildar Kashipur (Respondent No. 3) shall take a decision on the application of the Petitioner moved by her for issue of caste certificate, preferably, within four weeks from the date of production of certified copy of this order in accordance with law/G.O.

5. With the above direction, the writ petition is finally disposed of.