

(2013) 07 RAJ CK 0209

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4733 of 2013

Sanjeev Kumar and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-07-2013

Acts Referred:

Citation : (2014) 1 WLN 198

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Rajendra Soni, for the Appellant; S.N. Kumawat, Addl. G.C., for the Respondent

Final Decision : Disposed Off

Judgement

Alok Sharma, J.—Heard the counsel for the petitioners and the respondents. In my considered opinion, keeping in mind the principle of law enunciated by this Court in SBCWP No. 7953/2010, Rahul Tanwar v. The State of Rajasthan & Anr., decided on 02.09.2011, the ends of justice would be met in the event the concerned Tehsildar before whom the application/s for issue of caste certificate are pending, is directed to confine himself while deciding the said application/s to the presidential order under Notification dt. 20.09.1976 without being influenced in any way by the circular dt. 13.07.2010 under the hand of the Secretary, Government of India, in the Department of Ministry of Tribal Affairs. The Tehsildar shall be free to address the merit of the petitioners' application/s for issue of a caste certificate and on satisfaction of the fact of the petitioners belonging to "Dhanka" caste issue a schedule tribe certificate to them. The determination of the fact of the petitioners belonging to "Dhanka" community or otherwise will be dependent upon the evidence produced by the petitioners. It is directed that the application for issue of schedule tribe certificate filed by the petitioners before the Tehsildar be disposed of within four weeks of the filing of a certified copy of this order.

2. The writ petition stands disposed of with the aforesaid directions. Stay

application needs no address in view of the petition being disposed of.