
(2011) 12 UK CK 0077

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2644 of 2011

Shekh Altaf Mansuri and another

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 16-12-2011

Acts Referred:

Citation : (2011) 12 UK CK 0077

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Judgement

Sudhanshu Dhulia, J.—Heard Mr. M.K. Ray, Advocate for the petitioner and Mr. H.M. Raturi, Standing Counsel for the State of Uttarakhand.

2. The petitioners have applied for a caste certificate before the Tehsildar, Kichha, District Udham Singh Nagar. According to the petitioners, they belong to "Other Backward Class" (from hereinafter referred to as OBC) known as "Mansoori", which is notified as OBC in the State of Uttarakhand, yet the caste certificate is not being issued to them.

3. Be that as it may, the writ petition is disposed of at this stage itself with the direction to the Tehsildar, Kichha, District Udham Singh Nagar/respondent no. 4 to dispose of the representations of the petitioners in accordance with law. Tehsildar, Kichha, is also at liberty to conduct an inquiry in the matter in order to arrive at the veracity of the claim of the petitioners regarding their caste. In case the Tehsildar, Kichha finds that the petitioners belong to the caste, as alleged, and they are bona fide residents of Kichha, district Udham Singh Nagar, Uttarakhand, the caste certificates shall be issued to them as expeditiously as possible, but definitely within a period of eight weeks" from the date a certified copy of this order is produced before him. However, it is made clear that before any such exercise, the concerned authorities shall take an affidavit from the petitioners that they are permanent residents of State of Uttarakhand and they have not asked for such a certificate nor received one from any place or any other State in India. It goes without saying that in case the averments of such an

affidavit found to be false, the concerned authorities must take action in accordance with law against the petitioners or the person giving such an affidavit.

4. With the above directions, writ petition is disposed of. The concerned authority shall satisfy itself regarding other eligibilities but shall not refuse the caste certificate merely on the question of domicile, as the same is irrelevant.

5. No order as to costs.