
(2011) 02 UK CK 0004

In the Uttarakhand High Court

Case No : Writ Petition No. 218 of 2011 (M/S)

Smt. Nirdosh

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 17-02-2011

Acts Referred:

Citation : (2012) 1 UC 60

Hon'ble Judges : Tarun Agarwala, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Tarun Agarwala, J.—Heard Mr. Tapan Singh, the Learned Counsel for the Petitioner and Mr. Sudhir Kumar, the learned brief holder for the State.

2. The Petitioner has assailed the order dated 25.01.2011 passed by the Returning Officer by which the nomination form of the Petitioner for the post of Gram Pradhan has been rejected.

3. The brief facts leading to the filing of the writ petition is, that the Petitioner was originally a resident of Himachal Pradesh and got married to Shri Ved Prakash and started residing in village Nokragrant @ Buggawala, Block Bhagwanpur, Tehsil Roorkee, District Haridwar. The election of the Gram Pradhan for village Nokragrant @ Buggawala was to be held and, in this regard, nomination papers were required to be submitted. It transpires that a news item was published in the Hindi Daily newspaper "Hindustan" on 14.01.2011 indicating that a woman candidate was required to bring her caste certificate from her parental place. The present election of the Gram Pradhan in village Nokragrant @ Buggawala was reserved for a scheduled caste woman. The Petitioner filed her nomination for the post of Gram Pradhan annexing a caste certificate issued from her parental place indicating that she belongs to Banjara caste, which is recognised as a scheduled caste in the State of Himachal Pradesh.

4. The Petitioner's application was rejected by the Returning Officer on the

ground that Banjara caste in the State of Uttarakhand comes under O.B.C. category and since the post was reserved for a scheduled caste woman, the Petitioner became ineligible and could not contest the election for the post of Gram Pradhan. The Petitioner, being aggrieved by the said order, has filed the present writ petition.

5. Having heard the Learned Counsel for the parties, the court finds that the Petitioner is not entitled for any relief. Every State has its own list of castes which are shown in various categories. This is the prerogative of the State Government. Consequently, a person who is a scheduled caste in one particular State, but, may not be recognised as a scheduled caste in another State. Apparently, the Petitioner is a scheduled caste in the State of Himachal Pradesh and a caste certificate to that effect was rightly issued but, in the State of Uttarakhand, Banjara caste comes under the category of O.B.C. This assignment of Banjara caste in the OBC category is based on a criteria fixed by the State Government, which is not under challenge. Admittedly, Banjara caste in the State of Uttarakhand is shown in the OBC category.

6. In the light of the aforesaid, the seat of Gram Pradhan in village Nokragrant @ Buggawala was reserved for a scheduled caste woman. The Petitioner's application was rightly rejected since she was not found to be a scheduled caste in the State of Uttarakhand. There is no error in the impugned order. The writ petition fails and is dismissed accordingly.