
(2012) 03 UK CK 0107

In the Uttarakhand High Court

Case No : Writ Petition No. 2173 (M/S) of 2011

Smt. Pooja Multani

APPELLANT

Vs

State of Uttarakhand and two others

RESPONDENT

Date of Decision : 21-03-2012

Acts Referred:

Citation : (2012) 03 UK CK 0107

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

Hon"ble B.S. Verma, J.—Heard Sri Pawan Mishra, Advocate for the petitioner and Sri K.C. Tewari, Brief Holder on behalf of the respondents. By means of this petition the petitioner has sought the following relief:-

(i) to issue a writ, order or direction in the nature of certiorari, quashing the order dated 22-9-2011 (Annexure No.8 to the writ petition), passed by respondent No.3/Tehsildar, Vikasnagar, District Dehradun.

(ii) to issue a writ, order or direction in the nature of mandamus commanding the Tehsildar, Vikasnagar, District Dehradun/respondent No.3 to issue the caste certificate of "Khatik"caste, which is notified as Scheduled Caste in the State of Uttarakhand, to the petitioner, within the period, prescribed by this Hon"ble Court.

(iii) to pass any other and further orders, which this Hon"ble Court may deem fit and proper in the facts and circumstances of the case.

(iv) To award the cost of the writ petition to the petitioner.

2. According to the petitioner she is Scheduled Caste of State of Uttarakhand. The certificate of Scheduled Caste was issued by Tehsildar to the father of petitioner and to the petitioner also. The petitioner has married with Schedule Caste, who is also residents of Uttarakhand. Now the caste certificate has been declined by the Tehsildar on the ground that no proof of land was attached.

3. Learned counsel for the petitioner has submitted that the petitioner is entitled for benefit of G.O. o. 736/XXX(2)/200 dated 27-5-2004 and the judgment of this Court.

4. Learned Brief Holder appearing on behalf of State has contended that the petitioner was issued receipt in the category of backward class and in the affidavit also the petitioner has shown herself as backward class category.

5. In reply thereto learned counsel for the petitioner has submitted that by mistake the receipt was issued in backward class category and the affidavit was also prepared by the clerk in Collectorate by mistake mentioning the backward class category whereas the petitioner belongs to Scheduled Caste category.

6. Since there is discrepancy also in the name of father of petitioner namely Prabhat Kumar instead of Prabhat Chand, therefore, the petitioner is given liberty to file fresh application along with the Government Order and judgment of this Court before the Tehsildar concerned.

7. The Tehsildar concerned is directed to make a detailed inquiry to the fact whether the petitioner belongs to Scheduled Caste category. The application of petitioner shall not be rejected merely on the ground that she is not having land and the application of the petitioner shall be decided in accordance with law. The earlier rejection order will not come in the way of issuance of caste certificate to the petitioner if she is entitled for the same. With the aforesaid observation the writ petition is disposed of finally.