
(2010) 06 UK CK 0220
In the Uttarakhand High Court

Surya Prakash and Another	Vs	APPELLANT
State of Uttarakhand and Others		RESPONDENT

Date of Decision : 15-06-2010

Acts Referred:

Citation : (2010) 06 UK CK 0220

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.S.Verma, J.—Heard learned Counsel for the parties and perused the record.

2. Learned Counsel for the petitioners is agree that the writ petition be disposed of without counter version.

3. By means of this writ petition, the petitioners have sought following reliefs:

(1) Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 26-05-2010 passed by the respondent No. 3 (Annexure No. 4) and Government Order No. 320/XVII-3/2010-20(36)/07 Dated 31-03-2010 and also declare the Government Order No. 320/XVII-3/2010-20(36) dated 31-03-2010 ultra virus and in consistent of the Constitution of India.

(2) Issue a writ of mandamus commanding the respondents to issue the Caster Certificate to the petitioners as the Caste of the petitioners (OBC Kurmi) is notified in State of Uttarakhand.

(3) Any other suitable writ, order or direction which this Hon"ble Court may deem fit and proper in the circumstances of the case.

(4) Award the cost of petition to the petitioner.

4. Learned Counsel for the petitioners has stated that the impugned Government Order dated 31-03-2010 annexed as annexure No. 5 to the writ petition has

been cancelled by the Government Order No. 707/XVII-3/10-20(36)/07 itself. Therefore, the relief No. 1 to the writ petition prayed by the petitioners have become infructuous.

5. Learned Tehsildar, Tehsil Kichha, Udham Singh Nagar has rejected the applications of the petitioners on the basis of the Government Order dated 31-03-2010 and other grounds also.

6. Since the Government Order dated 31-03-2010 is not in existence as on today. It was cancelled by the Government Order No. 707/XVII-3/10-20(36)/07. On the basis of the said Government Order the caste certificate of the petitioners were declined on the ground that the petitioners have failed to produce the evidence that his family was living prior to 17th September 1958.

7. In view of the abovet facts, since the Government Order dated 31-3-2010 was cancelled by the subsequent notification. The earlier order dated 26-05-2010 passed by the Tehsildar, Kichha, District Udham Singh Nagar is liable to be quashed.

8. The writ petition is allowed. The order impugned dated 26-05-2010 passed by the Tehsildar is hereby quashed and is directed that the third respondent shall reconsider the applications of the petitioners and take decision afresh within a period of two weeks from the date of production of certified copy of this order in accordance with law/Government Order.

9. All pending applications stand disposed of accordingly.