
(2012) 07 UK CK 0022
In the Uttarakhand High Court
Case No : WPMS No. 1483 of 2012

Vivek Verma (Minor)

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 31-07-2012

Acts Referred:

Citation : (2012) 3 UC 1601

Hon'ble Judges : V.K. Bist, J

Bench : Single Bench

Advocate : Ajay Veer Pundir, for the Appellant; R.C. Arya, Learned Standing Counsel for the State, for the Respondent

Judgement

V.K. Bist, J.—Heard learned counsel for the parties.

List the matter after three weeks. By that time, respondents may file counter affidavit.

CLMA No. 7229/2012 (Stay Application)

Heard.

Present petition has been filed by the petitioner challenging the order-dated 05.07.2012 passed by the Tehsildar, Roorkee, district Haridwar, by which the application of the petitioner for issuance of O.B.C. caste certificate has been rejected.

2. I have perused the order passed by the Tehsildar, Roorkee. From perusal of the order impugned, it transpires that the order passed by the Tehsildar, Roorkee is a one-line order, in which he has stated that on the basis of the report of the Revenue Inspector, application of the petitioner for issuance of O.B.C. caste certificate is being rejected. I have also perused the report of the Revenue Inspector, in which he has mentioned that for issuance of a caste certificate, the applicant is required to be a permanent resident of the State of Uttarakhand, but since the petitioner is not the original resident of the State of Uttarakhand, the

caste certificate cannot be issued to him.

3. Learned counsel for the petitioner referred to the permanent resident certificate dated 17.04.2006 issued by the Sub Divisional Magistrate, Roorkee in favour of the father of the petitioner and submitted that the father of the petitioner is residing in Roorkee since 1984. He further submitted that the petitioner was born and brought up in the State of Uttarakhand and has also studied from the institution situated in the State of Uttarakhand and therefore, the petitioner is entitled for the caste certificate. He further submitted that the forefathers of the petitioner were residing in the village Gangdasapur, Tehsil Deoband, District Saharanpur, but after 1984, the grandfather of the petitioner shifted to Roorkee, district Haridwar and thereafter settled there. He further submitted that in view of this fact, the petitioner is entitled for the caste certificate. He also submitted that the petitioner has not claimed any caste certificate from the district Saharanpur and he will give an undertaking that he will not claim any caste certificate from the district Saharanpur in future. On the other hand, Shri R.C. Arya, learned Standing Counsel for the State submitted that since the grand father and father of me petitioner were permanent resident of the village Gangdasapur, Tehsil Deoband, District Saharanpur, the caste certificate could not be issued in favour of the petitioner.

4. I have considered the submission advanced by the learned counsel for the parties and have perused the papers available on record. After considering the submission of the learned counsel for the parties, I direct the Tehsildar, Roorkee, district Haridwar to issue provisional caste certificate in favour of the petitioner. The said caste certificate shall be subject to the final decision of this petition. The petitioner is also directed to file an undertaking before the Tehsildar, Roorkee, district Haridwar, stating therein that he has not obtained any caste certificate from the district Saharanpur and he will not claim any caste certificate from the district Saharanpur in future. Application stands disposed of.