

(2018) 07 CHH CK 0252

Chhattisgarh High Court

Case No: Writ Petition (C) No. 1951 Of 2018

Jai Kishor Bramhe

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: July 20, 2018

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Manindra Mohan Shrivastava, J

Bench: Division Bench

Advocate: Love Kumar Ramteke, Ravi Kumar Bhagat, U.N.S. Deo

Final Decision: Disposed Of

Judgement

Ajay Kumar Tripathi, CJ

1. Non grant of permanent caste certificate of Schedule Caste which was prayed for before the Sub Divisional Officer (Revenue), Durg is the core

issue behind the present litigation. The Sub Divisional Officer (Revenue), Durg refused to grant the caste certificate on the prayer made on behalf of

the Petitioner in absence of clear and decisive evidence to establish that the Petitioner was and has been resident of Chhattisgarh in terms of the presidential notification.

2. There was failure on the part of the Petitioner to produce the necessary evidence. A local enquiry held also did not throw up any decisive opinion

about the place of birth and residence which would entitle the Petitioner to demand and get permanent caste certificate for the benefit of reservation

in the State of Chhattisgarh.

3. On similar ground the appeal has also been dismissed by the Additional Collector, Durg. Petitioner now has remedy by way of revision before the

Divisional Commissioner.

4. Even though the Petitioner would be invoking revisional jurisdiction before the Commissioner, we are inclined to allow him to bring evidence to establish his case with regard to residence within the territorial jurisdiction of the Chhattisgarh. If those materials are annexed with the revisional application, the same will be considered by the revisional authority and will not take a technical plea of additional document or evidence being brought before the revisional authority.

5. The writ application is disposed off with the above liberty.