

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12326 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.S.KAPADIA (RETD) &
MR P.C. MASTER

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

VAREKAR DEEPMALA DHONDURAM

Versus

ADMINISTRATIVE OFFICER

Appearance:

MR KB PUJARA for Petitioner
MR AD OZA for Respondent No. 1
MS NANDINI JOSHI, AGP, for Respondent No. 2, 3

CORAM : MR.JUSTICE B.S.KAPADIA (RETD) & MR P.C. MASTER

Date of decision: 26/01/2001

ORAL JUDGEMENT

In this petition the petitioner is already

employed as a teacher by the Municipal School Board. However, subsequently, the question has arisen as to whether she belongs to Scheduled Caste community. For that she was required to get the certificate and accordingly the certificate issued by the Mamlatdar City, Ahmedabad, has been produced. However, it is insisted that the certificate should be from the Social Welfare District Backward Class Welfare Officer, Gujarat State. The Social Welfare District Backward Class Welfare Officer is personally present and he points out that after 1982 the powers of the Social Welfare District Backward Class Welfare Officer are withdrawn if the person who is applying for the said certificate are from other States. Dhonduram Varker, father of the petitioner, was born in Ratnagiri prior to bifurcation of the erstwhile Bombay State. Still however, he was given a certificate in the year 1975 of the Social Welfare Officer about his belonging to Chambhar community which is recognised as Scheduled Caste Community in the State of Gujarat.

2 When the powers have been withdrawn from the Social Welfare District Backward Class Welfare Officer, the powers of the Mamlatdar remain in force. The Mamlatdar is a superior officer and accordingly the certificate issued by the Mamlatdar City, Ahmedabad, would serve the purpose in a better manner.

3 In this view of the matter, Mr A.D.Oza, learned advocate who appears for respondent no.2, does not insist for the certificate from the Social Welfare District Backward Class Welfare Officer when the certificate of the Mamlatdar City, Ahmedabad, has been produced. Ms Nandini Joshi appears for respondents nos.2 and 3 and she has no objection if the certificate issued by the Mamlatdar City, Ahmedabad, in favour of the petitioner is accepted by the Ahmedabad Municipal School Board.

4 In view of what is discussed above, the impugned order dated 8.11.2000 issued by respondent no.1 does not survive. Rule is accordingly made absolute with no order as to costs.

(mohd)