

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1309 of 2008 (M/S)

Harjinder Singh, S/o Sri Jagir Singh, r/o Village- Dheemar
Khera, Tehsil-Kashipur, District Udham Singh Nagar.
..... Petitioner.

Versus

State of Uttarakhand, through Chief Secretary, Uttarakhand,
Dehradun and others.
..... Respondents.

Sri H.S. Dhillon, learned counsel for the petitioner.
Sri K.P. Upadhyay, learned Additional C.S.C. for the State-respondents.

Date July 31, 2008.

Hon'ble B.S. Verma, J.

Heard Sri H.S. Dhillon, learned counsel for the
petitioner and Sri K.P. Upadhyay, learned Additional C.S.C.
for the State-respondents.

The present writ petition has been filed by the
petitioner for issue a writ, order or direction in the nature of
mandamus commanding the respondents to issue Caste
Certificate of other Backward Class to the petitioner in view of
the application and affidavit dated 26-07-2008 made by the
petitioner.

Learned Additional C.S.C. appearing for the
respondents has contended that the respondent No.4-
Tehsildar, Kashipur, District Udham Singh Nagar is the
authority to issue the OBC Caste Certificate.

Learned counsel appearing for the petitioner has
contended that the application of the petitioner is pending
and the respondent No.4 is not issuing the OBC Caste

Certificate to the petitioner as he belongs to the community of “Jat Sikh”.

It is further contended that the petitioner has to contest the election and the direction may be given to the respondent No.4 to decide the application of the petitioner in terms of the Government Order dated 31-12-2002 which was issued by Uttarakhand Government in pursuance to the direction given in the writ petition No. 30727 of 2000, Baldev Singh Vs. Tehsildar, Bilaspur, District Rampur and others and which was followed by the Division Bench of this Court in Writ Petition No. 917 of 2003 (M/B), Dharam Singh Vs. State of Uttarakhand and others for issuance of the OBC Caste Certificate to the “Jat Sikh”.

The prayer made is innocuous in nature and deserves to be accepted.

The writ petition is disposed of finally with the direction that the respondent No.4- Tehsildar, Kashipur, District Udham Singh Nagar shall take a decision on the application for issuance of the OBC Caste Certificate made by the petitioner in accordance with the said Government Order within one week from the date of production of certified copy of this order.

All pending applications stands disposed of.

Copy of the order be supplied to the learned counsel for the petitioner today on the payment of usual charges.

(B.S.Verma, J.)

31-07-2008

M.K.