

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Writ Petition (M/S) No. 1758 of 2011

Parul Singh

...Petitioner

Versus

State of Uttarakhand and others

...Respondents.

Present : Mr. L. K. Verma, Advocate for the petitioner.
Mr. K. C. Tiwari, Brief Holder for the State of
Uttarakhand.

Hon'ble Sudhanshu Dhulia, J. (Oral)

1. Heard Mr. L. K. Verma, Advocate for the petitioner and Mr. K. C. Tiwari, Brief Holder for the State of Uttarakhand.

2. The petitioner claims to be a member of "Other Backward Class" (from hereinafter referred to as OBC), which is more particularly known as "Kurmi". It is not disputed by the State Authorities that the caste "Kurmi" is notified as OBC in the State of Uttar Pradesh as well as in the State of Uttarakhand. The petitioner was born on 23.08.1992 at Dehradun. The petitioner now seeks a caste certificate of the caste of which she belongs and on which there is absolutely no dispute. All the same, it is being denied to the petitioner by the concerned authorities and her application has been rejected vide order dated 18.8.2011 on grounds that the petitioner is not a domicile /permanent resident of Dehradun, and therefore such a certificate cannot be granted.

3. This Court in **Neha Saini Vs. State of Uttarakhand and another AIR 2010 Uttarakhand 36** as well as in **Smt. Madhu Arya Vs. State of Uttarakhand** reported in **2011 (1) U.D., 292** has held that there is nothing like a provincial domicile and each citizen of India has only one domicile which is "domicile

of India”. Therefore not granting the caste certificate to the petitioner on the above ground is wholly illegal. There is no doubt that the petitioner was born in Uttarakhand and resides in Uttarakhand. She is therefore liable to be treated as a permanent resident of Uttarakhand. Under these circumstances, the denial of a caste certificate to the petitioner is incorrect.

4. The impugned order dated 18.8.2011 is set aside. Direction is given to District Magistrate, Pithoragarh to give a caste certificate to the petitioner forthwith.

5. It is made clear that before any such exercise, the concerned authorities shall take an affidavit from the applicant as well as from her father that they are permanent residents of State of Uttarakhand and they have not applied for a caste certificate from any other State or has not taken any benefit of reservation from any other State, but from the State of Uttarakhand. It goes without saying that in case the averments of such an affidavit found to be false, the concerned authorities must take action in accordance with law against the petitioner or the person giving such an affidavit.

6. With above observation, the writ petition is disposed of.

7. No order as to costs.

(Sudhanshu Dhulia, J.)
30.11.2011