

WPMS No. 1322 of 2012
Hon'ble V.K. Bist, J.

Mr. C.S. Rawat, learned counsel for the petitioners.

Mr. Hari Mohan Bhati, learned Brief Holder for the State/respondents.

Heard learned counsel for the parties.

Facts, in brief, are that the petitioners are real brother and sister and their father is serving as Assistant Teacher, Junior High School, Gulab Koti, Block & Tehsil Joshimath, District Chamoli. All the petitioners were born in the territory of State of Uttarakhand in District Chamoli. The petitioners imparted their basic/primary education at District Chamoli itself. Petitioner No. 1 has studied upto Class 11th in G.I.C. Langsi, District Chamoli, petitioner No. 2 has studied up to Class VIII, from Junior High School, Gulabkoti, Chamoli and petitioner No. 3 studied upto Class VII from Junior High School Gulabkoti, Chamoli. Thereafter, for higher studies, they studied from the Institute situated in the State of Uttar Pradesh.

On 22-11-2010, the petitioners moved an application before the respondent No. 2 i.e. S.D.M, Joshimath in prescribed format and also given an affidavit in this regard for issuance of domicile certificate but no action was taken by the respondent No.2. S.D.M., Joshimath. Again, on 02-05-2011, the petitioners moved an application but till date no decision has been taken by the respondent No.2 i.e. S.D.M. Joshimath.

Learned counsel for the petitioners has submitted that petitioners have also fulfilled the required criteria as mentioned in the Government Order dated 20-11-2001.

Learned Brief Holder for the State/respondents submitted that the said authority will consider and decide the application of the petitioner in accordance with law.

In view of the above facts and circumstances of the case, the writ petition is disposed of with a

direction to the respondent No.3 i.e. Tehsildar, Tehsil Joshimath, District Chamoli to decide and took decision in the matter within a period of three weeks from the date of production of certified copy of this order. In case, he is satisfied that the petitioners have fulfilled the requirement of relevant Government Order, he will issue a domicile certificate to the petitioners without any delay.

In case of rejection of the application of the petitioners, the respondent No.3 i.e. Tehsildar, Tehsil Joshimath, District Chamoli, is directed to pass reasoned and speaking order.

Stay application stands disposed of.

(V.K. Bist, J.)

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29-06-2012