

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 16527 of 2023

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Approved for Reporting	Yes	No

BHILESHA HARISHKUMAR UMAJI
 Versus
 THE STATE OF GUJARAT & ANR.

Appearance:
 MS AMI N BHATT(3372) for the Petitioner(s) No. 1
 MR NIKUNJ KANARA, ASST. GOVERNMENT PLEADER for the
 Respondent(s) No. 1
 NOTICE SERVED BY DS for the Respondent(s) No. 2

**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
 PRACHCHHAK**

Date : 10/03/2026

ORAL JUDGMENT

1. Rule returnable forthwith. Mr. Nikunj Kanara, learned Assistant Government Pleader, waives service of notice of Rule, for and on behalf of the respondent No.1.

Though notice is served, none has filed appearance on behalf of the respondent No.2.

2. Present petition is filed by the petitioner under Articles 226 & 227 of the Constitution of India seeking following reliefs :

"A. That the Hon'ble Court may be please to admit and allow the present application;

B. The Hon'ble Court may be pleased to direct the Respondent No.2 to issue the Scheduled Cast Certificate to the son of the present petitioner who made an application dated 27/7/2022 at Annexure-"A" as he belongs to the cast namely of (Meghwal Vankar) Hindu which is a Scheduled Caste;

C. The Hon'ble Court may be pleased to direct the Respondent No.2 to issue the Scheduled Cast Certificate to the present petitioner;

D. That the Hon'ble Court may be pleased to pass such other and further orders may be deemed just and proper looking to the facts and circumstances of the case and in the interest of the justice."

3. It is the case of the petitioner that, the petitioner made an application on 27.07.2022 to take Scheduled Caste Certificate from the Social Welfare and Justice Department, Ahmedabad respondent No.2 herein for his son namely, Chirag Harishkumar Bhilesha, who was born on 23.10.2007 for taking Scholarship for further education purpose. That, when the petitioner personally went to the Office of the respondent authority, it was answer by the authority that as the applicant was having native place at Sihare, situated in Rajasthan and the applicant and the present petitioner's native place is not Gujarat, they would have to produce the evidence prior to the year 1950. That, on 23.09.2022, the petitioner again made an application before the the respondent authority reminding for issuance of caste certificate through Registered A.D. and also personally visited the Office of the respondent authority, however, there was no response from the respondent authority and till date, the petitioner is waiting for some positive reply.

4. Being aggrieved with the same, the petitioner has preferred this petition.

5. Heard Ms. Ami N. Bhatt, learned counsel appearing for the petitioner and Mr. Nikunj Kanara, learned AGP appearing for the

respondent authority.

6. Learned counsel Ms. Bhatt has submitted that the City Mamlatdar Officer, Gujarat had issued Caste Certificate to Bhilesha Harish son of Umaji, Ahmedaad that petitioner belongs to Hindu Meghwal Caste which is Recognized as Schedule Caste vide G.R.No. 2539 dated 01.07.1994. She has submitted that the petitioner belongs to the Meghwal Caste which is included in the Schedule Caste List and the above list was also annexed with the application made for the Son of the present petitioner, however, the authority remained silent and not given any reply or issued the Schedule Cast Certificate to the present petitioner. She has submitted that the Gujarat Government, Social Welfare and Justice Department, Sachivalya, Gandhinagar published one Resolution dated 10.03.2000 and declared that there are some groups which are living in Jamnagar, Kutch and Surendranagar District and they are known as Jadeja Meghwal, Maheshwari Meghwal, Vankar Meghwal or Chankya Meghwal, wherein, it is clarified that these above mentioned caste is Meghwal Cast only and not declared as different cast than Meghwal, these all the sub cast is known as Meghwal Community only and they are having all the Legal Rights to be as Meghwal caste which isa Schedule Caste only and all are entitled to have a right of Schedule Caste and they are eligible to take Certificate of the Schedule Caste. She has further submitted that after making application to the concerned authority to issue the Schedule Caste Certificate for his son Chirag in written for more than 3 times and also went personally to ask about the decision and for issuing the Certificate for the Meghwal Caste, which is falling under the Schedule Caste Category, however, the respondent authority is not issuing the Certificate which is against the Law and principles envisaged under the Constitution of India and

thus, the Fundamental Rights are violated by the concerned authority to the present petitioner and his son. She has further submitted that the Birth Place of the petitioner is Ahmedabad and his date of birth is 07.06.1975 and the father of the petitioner is also leaving in Gujarat since so many years passed before the present petitioner's birth having his own house at Meghaninagar, Ahmedabad and their cast is Meghwal and surname is Bhilesa and the petitioner is staying with his father, mother, wife and 2 children and they are also having their BPL Card on their names, though they are having all the records showing that they all are with his family staying here since long, however, the respondent authority is not issuing the Caste Certificate to the son of the petitioner and therefore, learned counsel Ms. Bhatt has urged that the present petition be allowed by directing the respondent authority to consider the case of the petitioner.

7. Learned AGP Mr. Kanara has pointed out to this Court that objection was raised by the respondent authority that as the petitioner has not produced relevant documents prior to the year 1950 that in Rajasthan the petitioner falls under the category of Scheduled Caste, the respondent authority has not considered the case of the present petitioner.

8. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. In fact the case of the petitioner is that, the petitioner is residing in Gujarat with his family since years together and that particular caste is recognized by the State of Gujarat as Scheduled Caste by virtue of Resolution dated 10.03.2000 and therefore, considering the facts of the case, let the petitioner prefer a fresh application before the concerned authority alongwith all the necessary documents which the petitioner is having,

within a period of one week from the date of receipt of writ of this Order and on receipt of such application, the concerned authority is hereby directed to decide the same in accordance with law, within a period of four weeks from the date of receipt of the application, after giving proper opportunity to the petitioner and issue the Schedule Caste Certificate to the son of the petitioner if, entitled for the same.

9. With the above observation and direction, the present petition stands disposed off. Rule is made absolute.

Direct service is permitted.

(HEMANT M. PRACHCHAK,J)

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