



2026:UHC:2738

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.887 of 2026

17th April, 2026

Mohd Danish

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

Presence:-

Mr. M.S. Pal, learned Senior Advocate assisted by Mr. Dileep Chandra Mathur, learned counsel for the petitioner.

Mr. N.K. Papnoi, learned S.C. for the State.

Hon'ble Pankaj Purohit, J.

This writ petition has been filed by the petitioner challenging the order dated 09.07.2025, passed by respondent no.3-Tehsildar, annexure no.3 to the writ petition, whereby the Caste Certificate of O.B.C. (Jhhoje/Jhojha caste) of the petitioner has been cancelled.

2. It is case of the petitioner that before cancellation of the said Caste Certificate no opportunity of hearing was provided to the petitioner.

3. On this contention this Court vide order dated 15.04.2026 directed the State counsel to get specific instructions in the matter that as to whether any opportunity of hearing was given to the petitioner before the cancellation of Caste Certificate, which was already issued to the petitioner, or not.

4. Today, instructions have been produced before this Court, which are taken on record.

5. On the basis of the said instructions learned State counsel submits that some interpolation was found in the Transfer Certificate of the petitioner on the basis of which



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Caste Certificate was issued, therefore, the Competent Authority-respondent no.3 cancelled the said certificate.

6. It is further submitted by learned State counsel that before cancellation of the said Caste Certificate, the petitioner was contacted over telephone and was asked to produce any other document except Transfer Certificate on the basis of which it can be inferred that the petitioner belongs to the Jhhoje/Jhojha caste, but the petitioner did not respond to the call made by respondent no.3.

7. This, in the opinion of this Court is not a proper and effective opportunity of hearing to the petitioner before cancelling his Caste Certificate.

8. The law requires that since the Caste Certificate created civil rights in favour of the petitioner, therefore, for its cancellation a proper and reasonable opportunity of hearing should have been afforded to the petitioner. Merely making a call over telephone does not satisfy the legal requirement to be done by the respondents before the cancellation of Caste Certificate. A show cause notice was require to be send to the petitioner before proceeding further with cancellation of Caste Certificate.

9. In such view of the matter the writ petition is allowed. The order dated 09.07.2025, passed by respondent no.3-Tehsildar, whereby the Caste Certificate issued to the petitioner has been cancelled, is hereby set aside; however, it is open to the State to conduct an enquiry after giving a proper and reasonable opportunity of hearing to the petitioner.

(Pankaj Purohit, J.)
17.04.2026

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