

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 5450/2021

Anita Suthar D/o Shanti Lal Suthar, Aged About 26 Years, R/o Village Jaisinghpura, Moonjva, Tehsil Badi Sadri, District Chittorgarh.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Dy. Secretary Rural Development And Panchayati Raj Department, Government Of Rajasthan.
2. Sub Divisional Officer, Tehsil Badi Sadri, District Chittorgarh (Rajasthan).
3. Tehsildar, Tehsil Badi Sadri, District Chittorgarh (Rajasthan).
4. Patwari, Patwar Mandal Jaisinghpura, Tehsil Badi Sadri, District Chittorgarh.

-----Respondents

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For Petitioner(s) : Mr. Kunal Bishnoi, through VC  
For Respondent(s) : Mr. K.K. Bissa, through VC

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**JUSTICE DINESH MEHTA**

**Order**

**19/01/2022**

**I.A. No.1/2022** :

सत्यमेव जयते

For the reasons stated and considering that the issue relates to issuance of caste certificate, the application is allowed.

The matter is taken up for consideration today itself.

**S.B. Civil Writ Petition No. 5450/2021** :

1. The present writ petition has been filed for the following reliefs:

“(a) That the respondents may kindly be directed to issue Special bonafide resident certificate of TSP area.

(b) Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be granted in favour of the petitioner."

2. Learned counsel for the petitioner submitted that the petitioner was born in village Jaisinghpura, Moonjva, Tehsil Badi Sadri, Chittorgarh, a TSP Area, which is evident from her Bonafide Resident Certificate dated 06.12.2010 issued by the concerned Tehsildar. He pointed out that when the petitioner applied for grant of Special Bonafide Resident Certificate (TSP Area), she was not issued the same, and was orally informed that since the petitioner has started residing in a non-TSP area, post her marriage, she is not entitled for the Special Bonafide Resident Certificate (TSP Area).

3. Inviting attention of the Court towards circular dated 4.7.2016, issued by the State Government, learned counsel for the petitioner argued that the respondents cannot deny grant of Special Bonafide Resident Certificate (TSP Area) to her. He prayed for a direction to the respondents to issue a TSP certificate.

4. The prayer made by the petitioner appears to be reasonable and stand of the respondents is untenable.

5. The respondents cannot deny the petitioner Special Bonafide Resident Certificate (TSP Area) simply because she has moved out of TSP Area, as a consequence of her marriage. Special bonafide residence or residence is to be reckoned from the native place of residence of the candidate and his parents. It has nothing to do with marriage.

6. The respondents nos.2 and 3 are directed to issue Special Bonafide Resident Certificate (TSP Area) to the petitioner in

accordance with law. If the respondents are of the view that the petitioner is not entitled for grant of Special Bonafide Resident Certificate (TSP Area), they shall pass a speaking order and send the same to the petitioner.

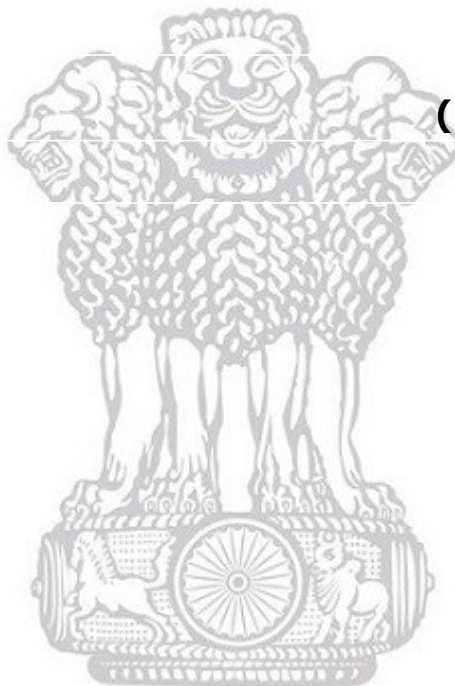
7. For the purpose aforesaid, the petitioner shall furnish a representation alongwith the certified copy of the order instant and the photostat copy of the application, she claims to have filed on 03.02.2021. On receipt of the same, the Tehsildar concerned shall do the needful within a period of 15 days.

8. The writ petition is therefore allowed in above terms.

9. The stay application also stands disposed of accordingly.

**(DINESH MEHTA),J**

90-Amar/-



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