

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15648 of 2019

Date of Decision : 16.09.2019

Ravi Kumar Atheist

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

...

Present : Mr.Ashok Goel, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Pleadings on record would show that Naib Tehsildar, Tohana, District Fatehabad issued a certificate dated 29.04.2019 (Annexure P-5) certifying that the petitioner herein is an Atheist and does not belong to any caste, religion and does not believe in God.

Challenge in the instant petition is to a subsequent communication dated 04.05.2019 (Annexure P-6) and in terms of which the earlier certificate issued at Annexure P-5 has been cancelled.

Counsel would submit that even though the petitioner belongs to the Scheduled Caste category but he does not wish to derive any benefit of reservation under the Constitution and wishes to promote a casteless society. It is submitted that all human beings are equal at birth and relying on caste and religion in India only promotes hatred and division amongst people. Further urges that on the basis of caste and religion, there is disparity in society and which is against

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the directive principles of the Constitution of India and a welfare state. It is argued that as per Article 25 of the Constitution of India every Indian citizen has a right to practice and propagate a religion of his own choice and a citizen cannot be forced to follow any particular religion. Under such circumstances it is argued that the petitioner is vested with the right to be issued a certificate to him in the nature of no caste, no religion and no God.

Having heard learned counsel at length this Court is of the view that no intervention in the matter is called for.

Undoubtedly, the freedom of conscience under Article 25 of the Constitution encompasses in itself a freedom to an individual to take a view that he does not belong to any religion. The freedom conferred by Article 25 of the Constitution would also include a right of an individual to claim that he is an 'Atheist'. Just as a freedom of conscience confers a fundamental right to a citizen to entertain a particular religious belief, it equally confers a right on any other individual/citizen to express an opinion that he does not belong to any religion.

The petitioner proclaims himself to be an Atheist. As per averments made in the petition he does not believe in any religion and does not profess any. It is further projected that even though he otherwise belongs to a Scheduled Caste category, he does not wish to derive any benefit on account of reservation provided for such scheduled caste category. Such view would be well within the domain and right of the petitioner. No authority can impose upon the

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petitioner to profess any particular religion or for him to believe in God. Even if he chooses not to do so that would be his fundamental right. Be that as it may, if the petitioner has chosen a path of an Atheist and not to believe in any caste, class, there would be no requirement in law for him to be issued a certificate to such effect. Even if any such certificate had been issued by the Naib Tehsildar concerned and the same having subsequently been cancelled, it would be of no consequence.

Counsel during the course of arguments has not adverted to any provision in law whereby the respondent authorities are obligated to issue such a certificate. There are no such averments in such regard in the petition.

Counsel has not been able to demonstrate before this Court the prejudice, if any, that the petitioner would suffer on account of non-issuance of certificate of the nature that is prayed for.

No Mandamus as such can be issued to direct the respondent authorities to issue to the petitioner a certificate of no caste, no religion and no God.

Petition dismissed.

16.09.2019

dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No