

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 740 of 2021

Rita Kumari Chalak Petitioner
 Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Dumka
3. The Sub-Divisional Officer, Dumka
4. The Circle Officer, Jarmundi, Dumka Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

 For the Petitioner : Mr. Niranjana Kumar, Advocate
 For the Respondents : Mr. Amitesh Kumar Geasen, AC to SC-I

Order No. 02

Dated: 05.04.2021

The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for issuance of direction upon the respondent no. 4 – the Circle Officer, Jarmundi, Dumka to issue “family/genealogical certificate” in favour of the petitioner for the purpose of employment as her father Haradhan Chalak, who was serving in the office of the respondent no. 3 – the Sub-Divisional Officer, Dumka as peon (permanent employee), has died and she has made an application before the respondent no. 4 for issuance of the said “family/genealogical certificate” with consent of her mother along with the relevant documents.

2. The learned counsel for the petitioner submits that the petitioner is the daughter of late Haradhan Chalak, who died in harness while serving as peon in the office of the respondent no. 3 on 17.11.2017. It is further submitted that late Haradhan Chalak had adopted the petitioner on 28.02.2006 as per customary law as his daughter and had also prepared an adoption deed to that effect. The petitioner is presently living with Lilmuni Kisku–wife of late Haradhan Chalak as her daughter. After the death of Haradhan Chalak, Lilmuni Kisku also made Adoption Panchnama on 22.06.2020 in presence of Mukhiya-Nonihat Panchayat as well as member of Ward No. 14 and other residents of Village-Uparwada, District-Dumka. It is also submitted that the petitioner’s mother Lilmuni Kisku visited the office of the respondent no. 2 – the Deputy Commissioner, Dumka where

she was assured and advised that for issuance of "family/genealogical certificate", she was required to submit the genealogical table and other relevant documents on affidavit in the office of the respondent no. 4, in pursuance of which she submitted the affidavit and genealogical table issued by the Gram Pradhan and member of Ward No. 14 of the said village. It is further submitted that Lilmuni Kisku is presently suffering from several ailments and she is not in a position to pursue the said matter before the authorities. Under the said circumstance, the petitioner filed an application before the respondent no. 4 for issuance of "family/genealogical certificate", however, the same has not yet been responded by the said officer.

3. Mr. Amitesh Kumar Geasen, AC to SC-I appearing on behalf of the respondents, submits that the present matter is required to be factually examined by the competent authority and hence, if the petitioner prefers a fresh representation before the respondent no. 4, an appropriate decision in accordance with law will be taken.

4. Having heard the learned counsel for the parties and keeping in view the nature of prayer made in the writ petition, without entering into the merit of the case, the petitioner is given liberty to prefer a fresh representation along with the relevant documents before the respondent no. 4. On receipt of the said representation, the respondent no. 4 after providing due opportunity of hearing to the petitioner and any other concerned person as well as on making due enquiry, shall take an informed decision in accordance with law within a period of two months from the date of filing of the representation.

5. The writ petition is accordingly disposed of with aforesaid liberty and direction.

(Rajesh Shankar, J.)