

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 7608 of 2011

1. Smt. Vimla Kotewar Wd/o Lt. Shri Bali Ram Chattri, aged about 77 years, R/o Chatapara Tilak Nagar Bilaspur (Through her power of attorney holder Shrikant Somawar, S/o Shri P.R. Somawar, Aged about 32 Years R/o Village Uslapur Near Forest Check Post (Chowk), Tah. Takhatpur Distt. Bilaspur CG

---- Petitioner

Versus

1. State Of Chhattigarh, through Secretary, Department of Tribal Welfare, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (CG).
2. Uchha Stariya Chhanbin Samiti (In The Matter Of Scrutiny Of SC/ST Caste Certificate) Through Its Secretary Ravi Shankar Vishwaidyalaya Parisar, Raipur (CG)
3. The Sub Divisional Officer (Revenue) Kota, Distt. Bilaspur (CG)

---- Respondent

For Petitioner	Shri A.S. Rajput, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate & Shri Bhaskar Payasi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/11/2015

1. The High Power Caste Scrutiny Committee (for short 'the Committee') passed two separate orders on 31-10-2011. The first was against the present petitioner Smt. Vimla Kotewar, Wd/o Lt. Shri Bali Ram Chattri and the second order was against Smt. Rama

Rao, W/o Jaiprakash. In both the orders they were not treated to belong to Scheduled Tribe community in the State of Chhattisgarh.

2. Challenging the order passed against her, the said Smt. Rama Rao preferred WPC No.7160 of 2011. In the present writ petition, this Court passed an order on 14-12-2011 for listing of the present petition along with WPC No.7160 of 2011, however, the said writ petition stood disposed of on 22-6-2012, but the present writ petition remained pending.
3. This Court passed the following order in WPC No.7160 of 2011 on 22-6-2012 :

“1. By this petition, the petitioner, seeks for quashing/setting aside the order dated 31.10.2011 (Annexure P-1), passed by the High Power Caste Scrutiny Committee (for short 'the Committee').

2. Shri Manoj Kumar Pingua, the then, Secretary, Tribal Welfare Department and Chairman, High Power Caste Scrutiny Committee had filed an affidavit dated 26.3.2011, admitting the irregularities committed by the Committee. It was further stated that the Committee be permitted to withdraw the order dated 31.10.2011 (Annexure P-1) and consider the case afresh after affording opportunity of hearing to the petitioner, in accordance with the scheme and pass a fresh order.

3. In view of that, learned counsel appearing for the petitioner submits that the Committee may be directed to have a fresh hearing in accordance with the scheme and pass the order.

4. Accordingly, the impugned order dated 31.10.2011 (Annexure P-1) is quashed, reserving liberty to the Committee, as stated in its affidavit, to pass a fresh order, in accordance with law.

5. In view of foregoing, the writ petition stands disposed of. No order asto costs.”

4. The Officer, who had filed the affidavit in the case of Smt. Rama Rao, has filed similar affidavit in the present case.

5. In view of the above, the present impugned order is also quashed reserving liberty in favour of the Committee, as stated in the affidavit, to pass a fresh order in accordance with law.

6. Accordingly, the writ the petition is disposed of. In the event of any adverse order, the petitioner would be at liberty to move afresh before this Court.

Sd/-

Judge

Prashant Kumar Mishra

Gowri