

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7791 of 2011

□□ Smt. Kalpana Jaiswal (Kalar), W/o Shri Pramod Kumar Jaiswal, aged about 26 years, R/o Gandhi Chowk, Near Bus Stand, Kondagaon, PS Kondagaon, District Bastar (CG), Posted as Shiksha Karmi Grade – I, Government Higher Secondary School, Dahikonga, Kondagaon, District Bastar (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh, through Secretary, Department of Panchayat and Social Welfare, DKS Bhawan, Mantralay, Raipur (CG).
2. The Director Panchayat And Social Welfare Department DKS Bhawan Raipur CG.
3. The Zila Panchayat Through Chief Executive Office Distt. Bastar, Jagdalpur (CG).
4. The High Level Caste Scrutiny Committee Through Secretary, Office Of Commissioner, Tribal Development Department Campus Pt. Ravi Shankar Vishwavidhyalay Raipur CG.

---- Respondent

For Petitioner	Shri Avinash K. Mishra, Advocate
For Respondent/State	Shri A.V. Sridhar, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/04/2015

Heard learned counsel for the parties.

1. Petitioner is assailing the legality and validity of the order dated 26-11-2011 (Annexure – P/1) passed by the Zila Panchayat, Bastar, whereby her appointment on the post of Shiksha Karmi Grade – I (Commerce) (Lecturer Panchayat) has been cancelled on the ground that the petitioner has failed to produce duly verified caste status certificate within the stipulated time.
2. Undisputed facts, briefly stated, are that pursuant to the process of recruitment drawn by the said Zila Panchayat, the petitioner was appointed on the post of Shiksha Karmi Grade – I by order dated 27-11-2010. Condition No.9 in the appointment order stipulated that the appointment is made as a temporary measure for a period of three months and if the petitioner failed to produce the duly verified caste status certificate within the said period the appointment shall automatically come to an end. The petitioner, who claims to belong to Other Backward Class (OBC), did not submit the duly verified certificate within time, however, no action was taken immediately after three months and instead time was allowed to her for producing the certificate.
3. Petitioner's father was an employee of erstwhile Madhya Pradesh Electricity Board having been appointed on 28-5-1983. Petitioner/ her father belong to 'Kalar' community, which is admittedly included in the list of OBC notified by the State of Madhya Pradesh as well as

State of Chhattisgarh. The petitioner produced a caste certificate issued by the Sub Divisional Officer (for short 'the SDO'), Satna on 18-11-2005 because at that time the petitioner's father was posted at Satna (MP). According to the petitioner, her father was earlier posted at Korba (CG) and was transferred to Satna (MP), after creation of the State of Chhattisgarh.

4. Be that as it may, it is the stand of the petitioner that she is born and brought up in the State of Chhattisgarh and, thereafter, she is also married to her husband namely; Pramod Kumar Jaiswal, who is the resident of Kondagaon (CG). The petitioner did submit a certificate of verification issued by the Collector, Satna, on 29-7-2011, however, Zila Panchayat, Bastar, sought guidance from the Director (Panchayat & Social Welfare), Raipur by sending a communication on 30-8-2011 mentioning therein that as per the directions issued by the State of Chhattisgarh, the verification is to be done by the High Power Caste Scrutiny Committee, Raipur (CG) whereas the petitioner has got the certificate verified from the Collector, Satna (MP).
5. Learned counsel for the petitioner would submit that the petitioner had approached the High Power Caste Scrutiny Committee in the State of Madhya Pradesh and the said Committee referred the matter to the Collector, Satna, therefore, the petitioner is not at fault.

6. Without entering into the issue as to who was at fault in not verifying the caste certificate issued by the SDO, Satna (MP) or as to whether the caste certificate issued by the authority in one State can be used for obtaining employment in another State, since in the present case the petitioner claims to be born and brought up in the State of Chhattisgarh and also claims that she is a member of OBC community notified in the State of Chhattisgarh and is entitled for issuance of a caste certificate from an authority in the State of Chhattisgarh, the writ petition is disposed of with the following directions :

- Petitioner shall move an application for obtaining caste certificate from the competent authority within the State of Chhattisgarh within a period of 15 days from today;
- Thereafter, the competent authority shall consider and decide the petitioner's application for issuance of caste certificate, in accordance with law and on its own merits, within a period of one month;
- If the caste certificate is issued by the competent authority, petitioner shall move before the High Power Caste Scrutiny Committee within a period of

one month thereafter and the said committee shall verify the caste status of the petitioner within two months thereafter;

- If the petitioner's caste status is duly verified affirmatively in her favour, the same shall be produced before the Zila Panchayat, Kondagaon, and thereafter, the said authority shall treat the petitioner as duly appointed and take decision in the matter for posting the petitioner within the district; and
- If the caste certificate produced by the petitioner is negatively verified, the impugned order shall remain operative and the petitioner would be at liberty to move afresh before this Court.

7. There shall be no order as to costs.

J U D G E

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