

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 691 of 2015

1. Sunil Bachchan S/o Lal Bachchan Prasad Aged About 42 Years Range Forest Officer
Bilaspur, R/o Sindhi Colony, Bilaspur, Ps Civil Lines, Bilaspur District Bilaspur
Chhattisgarh (Petitioner)

---- Petitioner

Versus

1. State Of Chhattisgarh S/o Through The Secretary, Department Of Tribal Welfare,
Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. The Director-Cum-Vice President, High Power Caste Scrutiny Committee, Pt. Dindayal
Upadhyay Nagar, Sector- 4 Raipur, District Raipur (Chhattisgarh)
3. The Vigilance Cell, Through Its Member-Cum-Deputy Director, High Power Caste Scrutiny,
Committee, Raipur, District Raipur (Chhattisgarh)
4. The Deputy Superintendent Of Police, Vigilance Cell, High Power Caste Scrutiny
Committee, Raipur, District Raipur (Chhattisgarh)
5. The Vigilance Inspector, Vigilance Cell, High Power Caste Scrutiny Committee, Raipur,
District Raipur (Chhattisgarh)

---- Respondents.

For Petitioner.

: Shri Mateen Siddiqui, Advocate

For Respondent/State.

: Shri Vinod Tekam, Panel Lawyer.

Order On Board

24/08/2015

Heard On prayer for modification.

1. Order passed on 31.07.2015, order dated 31.07.2015 is hereby recalled and following
order is passed. :

The petitioner has prayed for quashing of order dated 09.06.2015 Annexure P-1 and vigilance report dated 24.04.2015 Annexure P-3. Prayer has been made for direction to Vigilance cell to properly refurnish the findings. The petitioner has also prayed for direction to the High Power Caste Scrutiny Committee to decide verification of petitioner cast status without insisting the production of records prior to the year 1950.

2. At present, only a show cause notice has been issued to the petitioner alongwith the vigilance report. The petitioner seems to have serious grievance with regard to the correctness of the report of vigilance cell.

3. At this stage of notice, no interference is called for by this Court because the authority have not taken any final decision. The enquiry is still pending. Upon the vigilance report, a show cause notice has been issued to the petitioner affording opportunity of hearing. The petitioner may raise all the grounds in reply to show cause notice. The objections taken by the petitioner with regard to correctness of the vigilance report, is required to be taken into consideration. It is duty of the committee to apply its own mind on each grounds taken by the petitioner and then take appropriate decision with regard to determination of cast status of the petitioner in accordance with law and as per the guidelines issued by the Supreme Court in the Case of **Ku. madhuri patil & another Vs. Additional Commissioner, Tribal Development and others** {AIR 1995 S.C. 94} and **Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and Others** (2012) 1 SCC 113.

4. It is only when the authority takes decision adverse to the interest of the petitioner, the petitioner would have a cause of action to approach the Court of law.

5. Keeping the rights of the petitioner reserved as above, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge