

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1022 of 2016

Anil Kumar Parate S/o Shri Harchand Parate, Aged About 46 Years R/o Jhalmala, P S Balod District Balod (Chhattisgarh) Presently Posted As Rural Horticulture Extension Officer, O/o Assistant Director Of Horticulture, Jhalmala Balod (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, General Administration Department, Mantralaya, Mahanadi Bhavan, Naya Raipur (Chhattisgarh)
2. Secretary Department Of Agriculture, Mantralaya, Mahanadi Bhavan, Naya Raipur (Chhattisgarh)
3. Higher Power Caste Scrutiny Committee, Through its President Cum Secretary, Schedule Caste & Schedule Tribe Development Department, Tribal Research Training Institute Pt. Deen Dayal Uppadhyay Nagar, Sector -4, Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondents-State	:	Shri B. Gop Kumar, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/04/2016

Heard.

1. This petition has been filed by the petitioner on the apprehension of termination of his services in view of circular dated 11th January, 2016 issued by the State Govt. withdrawing earlier circular dated 1st October, 2011.
2. Learned counsel for the petitioner submits that the High Power Caste

Scrutiny Committee has initiated an inquiry and the Vigilance Cell has submitted an adverse report against the petitioner on 1.2.2016. Therefore, the petitioner has apprehension that the Caste Scrutiny Committee may pass adverse order against his interest, in which event, in view of circular dated 11th January, 2016, his services may be terminated.

3. The records show that at present, the inquiry before the Caste Scrutiny Committee has not attained finality. Only vigilance report has been submitted. Vigilance report is not binding on the Caste Scrutiny Committee. It would ultimately depend upon the reply, documentary, oral evidence led by the petitioner before the Caste Scrutiny Committee and decision of the Caste Scrutiny Committee whether the petitioner actually belongs to the tribal status as claimed by him.
4. The apprehension of the petitioner is because of pendency of the proceedings before the Caste Scrutiny Committee and not any final order passed in the matter.
5. The likelihood of any adverse action based on circular dated 11th January, 2016 would arise only in the event of final order being passed against the petitioner by the Caste Scrutiny Committee and not otherwise.
6. Therefore, at this stage, no relief can be granted to the petitioner and the petition is premature, based on certain apprehension. However, the petitioner shall always be at liberty to challenge any order passed by the Caste Scrutiny Committee against him, if any, in future and he may claim protection as may be available to him under the law.
7. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge