

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1019 of 2016

Chandra Kumar Barapatre, son of late A.R.Barapatre, aged about 45 years, R/o. Street No.6-B, Plot No.107, Shanti Nagar, Bhilai, Tah. and District – Durg, CG.

---- Petitioner

Versus

1. State Of Chhattisgarh Through- General Administrative Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur (Chhattisgarh)
2. High Power Caste Scrutiny Committee, Through- Its President Cum- Secretary, Scheduled Caste And Scheduled Tribe Development Department, Tribal Research Training Institute, Pt. Deendayal Upadhyay Nagar, Sector-4, Raipur (Chhattisgarh)
3. Union Of India, Through - The Director, Ministry Of Personnel, Public Grievances And Pensions, Department Of Personnel And Training, Secretariat, Vallabh Bhawan, New Delhi.

---- Respondents

Shri T.K.Tiwari, counsel for the petitioner/s.
Shri B.Gopa Kumar, Dy.A.G. for the State.
Shri Ramakant Pandey, counsel for respondent No.3.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/04/2016

This petition has been filed by the petitioner challenging initiation of enquiry by caste scrutiny committee vide notice dated 27/02/2016.

2. Learned counsel for the petitioner submits that the petitioner belongs to scheduled tribe category. On false and frivolous complaints, an enquiry has been initiated by the caste scrutiny committee and details have been asked by his employer and he submits that adverse order would be passed against the petitioner by the caste scrutiny committee and on that basis, his services would be terminated by his employer.
3. Apprehension of the petitioner, if I may say so, is without any basis at this stage. All that is reflected from the material on record is that the caste scrutiny

committee has initiated an enquiry into the caste status of the petitioner and towards that, information has been sought from the petitioner's employer.

4. In view of the judgment of the Supreme Court in the case of **Kumari Madhuri Patil and another v. Addl. Commissioner, Tribal Development and others, (1994) 6 SCC 241**, such an enquiry is permissible under the law by the caste scrutiny committee. At this stage, this Court would not be interfering with the enquiry. It is within the jurisdiction of the caste scrutiny committee to make enquiry and reach to the conclusion. It goes without saying that the law requires affording an opportunity of hearing to the petitioner and there is no reason why the caste scrutiny committee would not afford opportunity of hearing to the petitioner in the said enquiry.

5. Presently, the only enquiry which has given the petitioner cause of action is information sought by the caste scrutiny committee from petitioner's employer vide order dated 01/03/2016 and nothing more. There is also no basis to presume at this stage that the enquiry would necessarily end up against the petitioner and that the employer of the petitioner would be passing order which will adversely affect the services of the petitioner. These are all mere apprehension of the petitioner.

6. Once it has been held that the enquiry cannot be stayed by this Court, at this stage, all other apprehension of the petitioner do not give the petitioner cause of action to file this petition at this stage.

In the event any adverse order is passed by the caste scrutiny committee or his employer, the petitioner would be at liberty to take recourse to appropriate remedy as may be available to him under the law.

7. With the aforesaid observations, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge