

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (C) No.3580 of 2007**

Abhishek S/o Shri Dinesh Kumar Gond, aged about 22 years,
Resident of Namankala, Ambikapur, District-Sarguja (CG)

----- Petitioner

Versus

1. State of Chhattisgarh Through the Principal Secretary,
Department of Revenue, D.K.S. Bhawan, Raipur (CG)
2. The Collector, District-Sarguja (CG)
3. The Sub Divisional Office (Rev), Ambikapur, District Sarguja
(CG)
4. The Station House Officer, Police Station House Officer,
Lakhanpur, District-Sarguja (CG)

----- Respondents

For Petitioner	:	Mr.S.R. Sinha, Advocate
For Respondents	:	Mr.Shashank Thakur, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27/06/2017

1. The petitioner was granted caste certificate as he belongs to Scheduled Tribe. Complaint was filed. Ex-parte enquiry was made by the Sub Divisional Officer (Revenue), Ambikapur and after enquiry his caste certificate has held to be forged and FIR was directed to be lodged.
2. Learned counsel for the petitioner would submit that the petitioner is a member of Scheduled Tribe and caste certificate once granted cannot be revoked except by the Caste Scrutiny Committee constituted pursuant to the direction of the Supreme Court in the matter of **Kumari Madhuri Patil and another Vs. Addl. Commissioner, Tribal Development and others**¹.

¹ AIR 1995 SC 94

3. On the other hand, learned State Counsel would oppose the writ petition.
4. In the instant case, according to the State, caste certificate of the petitioner is forged, but the matter has not been referred to the Caste Scrutiny Committee.
5. After direction of the Supreme Court in the matter of **Kumari Madhuri Patil** (supra), the Caste Scrutiny Committee has been entrusted the task of enquiring social status of a person and complaint, if any, regarding the caste status has to be considered and decided by the Caste Scrutiny Committee or Committee now appointed under the Act of 1993.
6. Therefore, the impugned enquiry report dated 6.11.2006 (Annexure P/4) submitted by respondent No.3 and decision given by respondent No.2 on 7.12.2006 (Annexure P/5) are set aside. Respondent No.2/Collector, Surguja is directed to refer the case of the petitioner to the Caste Scrutiny Committee and in turn, the Caste Scrutiny Committee shall consider and determine the caste status of the petitioner after affording an opportunity of hearing to the petitioner.
7. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-