

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 522 of 2015**

1. Smt. Kalpana Jaiswal (Kalar) W/o Shri Pramod Kumar Jaiswal, Aged About 30 Years R/o Gandhi Chowk, Near Bus Stand Kondagaon, P.S. Kondagaon, District Kondagaon (Earlier Bastar) Chhattisgarh

---- Petitioner**Versus**

1. Court Of Sub Divisional Officer, Through Its Presiding Officer, (Kondagaon), Revenue District Kondagaon Chhattisgarh,

Namely Jogendra Nayak {The Then Sub Divisional Officer (Revenue)} Now Nazul Officer Of District Kondagaon, Collectorate Premises Kondagaon, District Kondagaon (Chhattisgarh)

2. Rajesh Patre Present Sub Divisional Officer (Revenue) District Kondagaon, Collectorate Premises Kondagaon, District Kondagaon (Chhattisgarh).....(Proposed Contemnors)

---- Respondent**And****WPC No. 1771 Of 2016**

1. Smt. Kalpana Jaiswal (Kalar) W/o Shri Pramod Kumar Jaiswal, Aged About 29 Years R/o Gandhi Chowk, Near Bus Stand, Kondagaon, P. S. Kondagaon, District Kondagaon (Chhattisgarh) Removed From The Post Of Shiksha Karmi Grade- I, Government Higher Secondary School, Dahikonga, Kondagaon, District Kondagaon (Chhattisgarh)

---- Petitioner**Vs**

1. State Of Chhattisgarh Through : Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralay, Raipur (Chhattisgarh)
2. The Collector, Kondagaon, District Kondagaon (Chhattisgarh)

3. The Chief Executive Officer, Zila Panchayat, Kondagaon, District Kondagaon (Chhattisgarh)
4. The Sub Divisional Officer, Kondagaon, District Kondagaon (Chhattisgarh)
5. The Tahsildar, Kondagaon, District Kondagaon (Chhattisgarh)

---- Respondent

For Petitioner	Shri Avinash K. Mishra, Advocate
For Respondent/State	Shri R.K. Mishra, Dy. Adv. General
For Respondent/Contemnor	Shri P.K. Bhaduri, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/09/2017

1. The petitioner was appointed as Shiksha Karmi Grade I, however, on account of her failure to submit the duly verified caste status certificate within the stipulated period, she was not allowed to join on the said post.
2. Being aggrieved the petitioner preferred WPS No.7791 of 2011 which was disposed of by this Court vide order dated 22-4-2015 with the following observations/directions :
 - 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.

3. The petitioner, thereafter, moved before the Sub Divisional Officer (Revenue), Kondagaon, for obtaining caste certificate, which was rejected on the ground that the petitioner being not born in Kondagaon District, the SDO (Revenue), Kondagaon, is not the competent authority to consider the petitioner's application. Thereafter, the petitioner moved before the SDO (Revenue), Korba, within whose territorial jurisdiction the petitioner is born. According to the petitioner, the said Officer has already issued the caste status certificate in favour of the petitioner on 28-5-2017, however, the steps, thereafter, have not been taken because of pendency of the present contempt petition and the writ petition.
4. Considering the entire facts striation of the case, since the petitioner has already been issued the caste status certificate, all further steps, as directed by this Court in para 6 of WPS No.7791 of 2011, shall be

undertaken by treating the time period to have commenced from today meaning thereby that the petitioner shall move before the High Power Caste Scrutiny Committee within a period of one month from today and thereafter, High Power Caste Scrutiny Committee shall verify the caste status of the petitioner within a period of two months.

5. It is made clear that the remaining two directions contained in the order passed in WPS No.7791 of 2011 shall remain operative depending upon the outcome of process of verification of the petitioner's caste status certificate by the High Power Caste Scrutiny Committee.
6. With the aforesaid observations, both the contempt petition and the writ petition stand disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Gowri