

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 1805 of 2016

Nand Kumar Sai, S/o. Late Shri Likhan Sai, Aged About 70 Years, Agriculturist and Ex-Member Of Parliament (Rajya Sabha), R/o. Bunglow No.1, Officers' Colony, Devendra Nagar, Jail Road, Raipur, (Chhattisgarh).

----Petitioner

Versus

1. The High Power Certification Scrutiny Committee, Chhattisgarh, Behind Pt. Ravishankar University, Raipur (Chhattisgarh)
2. The State Of Chhattisgarh, Through The Secretary, Tribal Welfare Department Of The State Of Chhattisgarh, Mantralaya, New Raipur (Chhattisgarh)
3. The National Commission For Scheduled Tribes Constituted Under Article 338A Of The Constitution Through The Chairman, 5th Floor, Khan Market, New Delhi.
4. Shri Ajit Pramod Kumar Jogi, S/o. Late K.P. Jogi, Aged About 70 Years, Politician & Ex-Chief Minister, Chhattisgarh, R.O. Anugrah Sagon Bungalow, Civil Lines, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. U.N.Awasthi, Senior Advocate with Ms. Raksha Awasthi, Advocate
For State	:	Mr. J.K.Gilda, Advocate General.
For Respondent No.4	:	Dr. N.K.Shukla, Senior Advocate with Ms. Priya Mishra, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/01/2017

Heard

1. By way of this writ petition, the petitioner primarily prayed for the following relief :

1) *“That, the Hon'ble Court may kindly be pleased to allow the writ petition and issue appropriate direction in the nature of mandamus to discharge forthwith its legal obligations under Section 8 & 10 read with directions of Hon'ble the Apex Court under paragraph*

12(14) in the Collector Bilaspur v. Ajit Pramod Kumar Jogi case.”

2. Learned Advocate General, Shri J.K.Gilda, appears and at the outset gives an undertaking that the High Power Certification Scrutiny Committee shall decide the case of respondent No.4 by 31st May, 2017.
3. Learned counsel for the respondent No.4, Dr. N.K.Shukla, invites attention of the Court to para 9 of their reply and submits that the High Power Caste Certification Committee may be directed to decide the social status of the respondent No.4 as expeditiously as possible.
4. At this stage, learned counsel for the petitioner, Sr. Advocate Shri U.N.Awasthi, opposes the same and submits that it is a perception of the general public that despite the order of the Supreme Court and High Court, the case is not being decided within two months as required. He further submits that the State is claiming licence to continue the contempt for further period of four months, which cannot be allowed. The counsel prays time to file rejoinder.
5. Perused the pleadings. The order of the Supreme Court is reproduced at para 17 to 19 of petition. Reading of it, it do not show that any direction is given to decide the case of respondent No.4 within a period of two months.
6. Taking into consideration the submission made by the learned Advocate General that the case would be decided by 31st May, 2017 by the High Power Certification Scrutiny Committee, the relief as claimed appears to have already been allowed/ granted by the State. Consequently, in view of the undertaking given by Advocate

General, it is directed that the case before the High Power Certification Scrutiny Committee with respect to social status of respondent No.4 should be decided by 31st May, 2017. In view of this, since the relief claimed is already granted to the petitioner no other direction would be required.

7. With such observation, the petition stands disposed off.

Ashok

Sd/-
(Goutam Bhaduri)
Judge