

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.946 of 2006**

Sudarshan Singh Maitri, S/o Shri Ghasiaram Mannewar, aged about 40 years, posted as Clerk-cum-Cashier in Bilaspur Raipur Kshetriya Gramin Bank Branch Singhoda, Resident of village Bhedikhona, Tahsil Dabra, District Janjgir-Champa (CG). ---- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary Department of Tribal Welfare, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (CG).
2. Uchha Stariya Chhanbin Samiti (in the matter of SC/ST Caste Certificate), through Secretary Ravi Shankar Vishvavidyalaya Parisar, Raipur (CG).
3. Commissioner Adim Jati Tatha Anusuchit Jati Vikas, Ravi Shankar Vishwavidyalaya Parisar, Raipur (CG).
4. Joint Director, Adim Jati Tatha Anusuchit Jati Vikas Ravi Shankar Vishwa Vidyalaya Parisar Raipur (CG).
5. Chhattisgarh Rajya Gramin Bank through its General Manager, Head Office Sundar Nagar, Mahadev Ghat, Raipur.
6. Lukeshwar Prasad, S/o Shri Rupdhar Singh Patel, aged about 79 years, Resident of Village Bhedikhera Tahsil Dabra, District Janjgir Champa (CG).

---- Respondents

For Petitioner : Mr. Animesh Verma, Advocate
 For State/Resp.No.1 to 4 : Mr. Shashank Thakur, Govt. Advocate
 For Respondent No.6 : Mr. Malay Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

31/10/2017

(1) Learned counsel appearing for the petitioner would submit that the Caste Scrutiny Committee has verified the petitioner's caste against him without affording any reasonable opportunity of hearing to him. He would further submit that on 07.03.2005 the date was fixed for hearing to the petitioner, but on

that date, he could not appear before the Caste Scrutiny Committee as he was not granted leave by his employer/Bank in which he was working and without hearing the petitioner, his caste has been verified and it has been held that he belongs to 'OBC category', therefore, the impugned order is liable to be set aside.

(2) Learned counsel appearing for the respective respondents would support the impugned order and oppose the submission made by the learned counsel for the petitioner.

(3) I have heard learned counsel appearing for the parties, considered their rival submission made herein above and also gone through the impugned order with utmost circumspection.

(4) The notice was issued by the respondent No.2 on 28.01.2005 and he was directed to appear before the Committee on 07.03.2005, but on that date, the petitioner could not appear before the Committee as he could not get leave from his employer/Bank. The verification of the caste is a serious matter, which could not have been done without hearing and affording opportunity of hearing to the petitioner, therefore, in the interest of justice, it would be expedient to set aside the impugned order. The impugned order is hereby set aside and matter is remanded back to the Caste Scrutiny Committee to hear and decide the matter afresh after giving proper opportunity of hearing to the petitioner, expeditiously preferably within a period of 45 days from the date of receipt of certified copy of this order.

(5) With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge