

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 5111 OF 2010**

Ramadhar Kundabor S/o Shri Ganesh Ram Kundabor, aged about 34 years, R/o Ward No.2, Tehsil Colony, Katghora, District Korba (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh, through Secretary Scheduled Caste & Tribal Welfare Department, DKS Bhawan, Raipur (CG).
2. State Level High Power Caste Verification Committee, Raipur (Tribal Research and Training Institution) through its Director, University Campus, Raipur, Distt. Raipur (CG).
3. District and Sessions Judge, Korba, Distt. Korba (CG).

... Respondent(s)

For Petitioner	:	Shri Anup Majumdar, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.07.2018

1. The petitioner, working as Assistant Grade-III in the office of District & Sessions Judge, Korba, was appointed in the month of June, 2010 as candidate belonging to Scheduled Caste category.
2. The petitioner was directed to produce verified caste certificate from the respondent No.2-State level High Power Caste Verification Committee. The petitioner had applied for issuance of caste certificate before the respondent No.2 and proceedings are still pending. However, the respondent No.2 insisted the petitioner for providing document prior to 1950 with which the caste of the petitioner could have been verified.
3. The counsel for the petitioner submits that by virtue of interim relief granted by this court on 07.09.2010, the petitioner till date is discharging his duties without any complaint from the higher

authorities. He submits that the State Govt. in between has issued a notification on 24.09.2013 wherein it has been held that for the purpose of verification of the caste certificate, document prior to 10.08.1950 will not be insisted upon. The said circular however had a rider that in the event of any complaint being received from any corner thereafter with regard to caste status, then it shall be the responsibility of the petitioner to prove and establish his caste status.

4. Issuance of circular dated 24.09.2013 is not disputed by the State counsel.
5. Given the subsequent development which has transpired pending the writ petition before this court, nothing further remains to be adjudicated upon in the present case. The respondent No.2 may proceed to finalize the verification proceeding drawn by it at the earliest in the light of the circular dated 24.09.2013 and thereafter the respondent No.3 shall take appropriate steps keeping in view the said circular.
6. The writ petition accordingly stands allowed and disposed of. The interim order granted on 07.09.2010 stands confirmed.

Sd/-
(P. Sam Koshy)
Judge