

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 3605 OF 2009**

1. Ranvir Singh Gautam S/o Shri Lalit Prasad, aged about 36 years, Ro Village Kangoli, Tahsil Jagdalpur, Distt. Bastar (CG).

...Petitioner(s)**Versus**

1. State of Chhattisgarh thorough Secretary, Department of Anusuchit Jati/Jan Jati Adivasi Vikas Vibhag, Mantraya, Raipur (CG).
2. The Assistant Director, High Power Scrutiny Committee for Caste certificate, Adim Jati Anusandhan avam Prashikshan Sansthan, Pt. Deendayal Upadhyay Nagar, Sector-4, Raipur (CG).
3. The Registrar, Co-operative Societies Raipur (CG).

... Respondent(s)

For Petitioner	:	Smt. Minu Banerjee, Advocate.
For Respondent-State	:	Shri Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16.05.2018**

1. The challenge in the present writ petitions is to the order dated 05.03.2009 (Annexure P/1) which has been passed by the High Powered Caste Scrutiny Committee (in short, the Committee) constituted by the State Govt. to decide the veracity of the caste certificate issued by the competent authorities. Vide the impugned order, the caste status of the petitioner has not been certified by the Committee on the ground that the petitioner was unable to provide documents in respect of his being resident of the State of the Chhattisgarh prior to 10.08.1950.
2. At this juncture, it has been brought to the notice of the court that the State Govt. has subsequently vide circular dated 29.06.2016 taken a policy decision that for the verification of the caste certificate, documents prior to 10.08.1950 will not be insisted upon by the

Committee, however, there was a rider attached to the circular that in the event if a complaint is received by the department so far as caste status of the petitioner, then it shall be the responsibility of the employee to prove and establish his/her status before the Committee by leading appropriate cogent document to establish the caste status.

3. This issuance of the circular dated 29.06.2016 is not disputed by the State Counsel.
4. Given the aforesaid facts and circumstances of the case, this court is of the opinion that in the light of the circular dated 29.06.2016 issued by the State Govt., the impugned order dated 05.03.2009 issued by the High Powered Caste Scrutiny Committee may not be sustainable for the moment and the same therefore deserves to be and is accordingly set aside. The matter is remitted back to the Committee who may without insisting upon the documents prior to 1950 consider other relevant documents and credentials in possession of the petitioner and pass appropriate orders on the claim of the petitioner for verification of the caste status of the petitioner.
5. With the aforesaid, the writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge