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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2031 of 2014**

- Anjani Kumar Khare S/o Shri Ramadhar Ram, Aged About 45 Years R/o Bageecha Distt. Jashpur (CG) P.S. Bageecha Civil And Revenue Distt. Jashpur

---- Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Department of Scheduled Castes And Schedule Tribes, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur
2. The Collector (Scheduled Castes And Scheduled Tribes Branch) District Jashpur
3. The Station House Officer Police Station Bageecha, District Jashpur

---- Respondent

For Petitioner	Mr. Amit Kumar Sharma, Advocate
For Respondent /State	Mr. Shashank Thakur, Govt. Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****5/12/2018**

1. Heard.
2. Mr. JS Pannu, Assistant Research Officer, High Power Caste Verification Committee, is present in person.
3. The petitioner is working as AG-II in the Government High School, Bimda, Block Bagicha, District Jashpur. The petitioner is aggrieved by an order passed by the Assistant Commissioner,

Tribal Development, Jashpur, on 26.6.2014, whereby, the said officer has directed lodging an FIR against him for producing a forged caste certificate on 5.11.2001 certifying that the petitioner belongs to "*Kherwar*" Scheduled Caste community. However, the certificate was cancelled on 14.5.2007 (Annexure P/7), a reading of which would indicate that no show cause notice was issued to him before passing the order.

4. One Purshottam Tadv, Peon of the Government Higher Secondary School, Kurdeg, Tehsil Bagicha, District Jashpur has in-fact moved a complaint against the petitioner before Hon'ble the Chief Minister, which was referred to the Collector, Jashpur, who in turn referred the matter to the High Caste Scrutiny Committee vide Annexure P/8 dated 15.11.2009 for making enquiry. Another communication was sent to the said Committee by the Collector, Jashpur to the same effect on 26.2.2010. However, the Committee refused to verify the caste status of the petitioner. Refusal to verify the caste status is for the reason that prior to the said date, the certificate issued in favour of the petitioner by the SDO(R) in 2001 has already been cancelled.
5. In the considered opinion of this Court, the Committee has not taken a correct decision for two reasons, firstly, when the Collector, Jashpur has requested to examine the matter so that action can be taken against the petitioner and if he appears to have obtained a forged or incorrect caste certificate by concealing his real caste, a penal action may be initiated against

him, and secondly, the Collector, Jashpur, was directed by the office of Hon'ble the Chief Minister for taking necessary action on the complaint lodged by Purshottam Yadav.

6. If a letter has emanated from the office of Hon'ble the Chief Minister coupled with the desire of the Collector to examine the whole issue, the Committee was under obligation to have passed an order on merits rather than shirking its responsibility. In the absence of decision on caste status by the Committee, the Collector may not proceed against the petitioner for any penal action.
7. Let the High Power Caste Scrutiny Committee examine the caste status of the petitioner within a period of 4 months from today.
8. Based on the said report, the order-Annexure P/1 shall either be given effect to or shall stand quashed if the petitioner is found to be belonging to Scheduled Caste Community.
9. The petitioner shall appear before the Committee **on 17.1.2019** along with all the records, which he is possessed of in support of his claim.
10. The writ petition is accordingly disposed of. Sd/-

(Prashant Kumar Mishra)

Judge

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