

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3672 of 2008

Dr. Snehlata Sonkar (Gole) W/o Shri Rajendra Prasad Sonkar, aged about 38 years, R/o Railway Colony, Manendragarh, District Korea (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Department of Health & Family Welfare, D.K.S. Bhawan, Raipur (C.G.).
2. State Level High Power Caste Verification Committee, Raipur, (Tribal Research and Training Institution), Through - It's Director, University Campus, District Raipur (C.G.).

---Respondents

For petitioner	:	Shri Anup Majumdar, Advocate.
For State	:	Shri B.Gopa Kumar, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/04/2018

1. The petitioner in the instant case was appointed as an Ayurvedic Medical Officer vide order dated 16/10/2007 against the scheduled caste vacancy.
2. The petitioner in support of her claim had produced the caste certificate dated 29/06/2006 issued by the Sub Divisional Officer, Raipur.
3. On the basis of order of appointment, the petitioner had also assumed her duties and still discharging the duties of Ayurvedic Medical Officer.
4. In between, on 25/06/2008, the petitioner was asked to get the caste certificate certified from the respondent No.2 within a period of one week failing which her appointment would stand cancelled.

5. The counsel for the petitioner submits that the petitioner had duly approached the respondent No.2 and moved an application for the certification of the caste certificate that she has. However, since the petitioner did not have the documents prior to 10/08/1950 to establish her caste, the application is still pending consideration before the respondent No.2. He further submits that, pending the petition before this Court, the State Government had issued a circular dated 29/06/2016 wherein it has been held that for the certification of the caste certificate, the documents prior to 10/08/1950 will not be insisted upon by the High Level Caste Scrutiny Committee. However, there was a rider with the said circular which says that, in the event if, ultimately at a later stage a complaint is received by the department then it shall be the responsibility of the concerned employee to prove and establish his/her status.

6. This circular has not been disputed by the State counsel on its perusal.

7. Given the aforesaid facts and circumstances of the case particularly taking note of the fact that the above said circular has been issued subsequent to the filing of the present Writ Petition, let the case of the petitioner itself be decided by the respondent No.1 as to whether there is any further necessity continuing with Annexure-P/1 any further or not?

8. Let the petitioner produce a copy of this order before the respondent No.1 within a period of 4 weeks' from today and the respondent No.1 in turn shall take a decision on the said representation as expeditiously as possible.

9. Till the representation of the petitioner is not decided, no co-ercive steps shall be taken on the impugned order – Annexure-P/1 dated 25/06/2008.

10. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit