

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2609 of 2018

- Madhukar Vitthal Rao Kumbhare S/o Vitthal Jagannath Rao Kumbhare, Aged About 58 Years R/o Flat No. D-1/1, Shriram Tower, Vyapar Vihar, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Tribal Welfare, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Director, Directorate of Tribal Welfare, Block-D, Ground Floor, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. High Power Caste Scrutiny Committee, Directorate Of Tribal Welfare, Block-D, Ground Floor, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	Shri R. S. Baghel, Advocate
For Respondent-State	Shri Anand Dadariya, GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

09/10/2018

1. After hearing learned counsel for the petitioner, the default pointed out by the Registry is overruled.
2. The show cause notice issued by the High Power Caste Scrutiny Committee vide Annexure-P-1 has been assailed on the ground that the proceeding has been initiated on the basis of preliminary report (Annexure-P-13), which itself was not conducted in accordance with the provisions of the Chhattisgarh Scheduled

Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013 and the Rules framed thereunder.

3. Let the High Power Caste Scrutiny Committee conclude the proceeding pursuant to the show cause notice (Annexure-P-1) after obtaining a report in accordance with the Rules, 2013. It is made clear, violation of the provisions of rules may render the entire exercise by the High Power Caste Scrutiny Committee meaningless, therefore, the provisions of the rules have to be meticulously followed before taking a final decision by the High Power Caste Scrutiny Committee on the petitioner's caste status.
4. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge

Nirala