

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2665 of 2009

Dr. Rajesh Kumar Jhariya S/o Shri Ganaram Jhariya, aged about 30 years, R/o Ayurvedic Medical Officer, Govt. Ayurvedic Hospital, Village Newarikala, District Durg (CG).

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Health & Family Welfare, DSK Bhawan, Raipur (CG).
2. State Level High Power Caste Verification Committee, Raipur (Tribal Research And Training Institution) Through-Its Director, University Campus, Distt.-Raipur (CG).

---Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate
For State	:	Shri Rahul Mishra, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/02/2019

1. Defaults pointed out by the Registry stands ignored for the moment.
2. The petitioner in the present petition was appointed as Ayurvedic Medical Officer as Scheduled Caste Category being a candidate belonging to Mehra Caste. However, while appointment orders were issued, one of the conditions stipulated therein was 2-F which requires the selected candidates to provide the verified Caste Certificate of the petitioner from the High Level Caste Scrutiny Committee within a period of three months, or else his services would be terminated.
3. It has been informed by the petitioner that since he had approached the authorities for verification of the same, but the authorities have

refused to grant him the application form, on which the verification could have been proceeded on the ground that the petitioner does not have documents prior to 10.08.1950.

4. At this juncture, the counsel for the petitioner refers to circular of the State Govt. dated 29.06.2016 wherein it has been held that for verification of the caste certificate, the documents prior to 10.08.1950 will not be insisted upon. It was also envisaged in the said circular that as and when the department or the employer receives a complaint in respect of the petitioner having obtained employment on false certificate of his caste status, the same would be subjected to enquiry and at that point of time it shall be the burden of the petitioner to establish that he infact belongs to the caste against which he has received the employment.
5. Issuance of circular dated 29.06.2016 is not disputed by the State counsel.
6. Given the aforesaid facts and circumstances of the case, particularly the contents of the circular dated 29.06.2016 not to insist upon the document prior to 10.08.1950 for the purpose of verification of the caste certificate of a candidate, the issue so far as petitioner is concerned and condition 2-F envisaged in the order of appointment loses its efficacy to that extent.
7. In view of the same, let the respondent No.1 now take a fresh decision as to whether there is any further requirement of the caste certificate of the petitioner to be duly certified or verified as there has

been no complaint whatsoever till date made against the caste status of the petitioner.

8. Let the petitioner produce copy of this order to the respondent No.1 along with a detailed representation supported with all relevant documents that he has in his possession and the circular of the State dated 29.06.2016 within a period of three weeks from today and the respondent No.1, in turn, shall take a decision on the same as expeditiously as possible.
9. Till the representation/request of the petitioner in the light of the circular dated 29.06.2016 is passed by the respondent No.1, no coercive steps shall be taken against the petitioner pursuant to the condition 2-F envisaged in the order of appointment.
10. The writ petition accordingly stands allowed and disposed of.

Sd/-

(P. Sam Koshy)
Judge

inder