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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4307 of 2019**

Anil Kumar Gardia S/o Shri B. Gardia, Aged About 60 Years, Training Superintendent, I.T.I. Hathband, District Balodabazar Bhatapara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Under Secretary, Skill Development Technical Education And Employment Mantralaya, Mahanadi Bhawan, Police Station Rakhi, Naya Raipur, District Raipur Chhattisgarh
2. The Director, Technical Education Employment And Training, Indrawati Bhawan, Block -4, 1st Floor, Naya Raipur, Police Station Rakhi, District Raipur, Chhattisgarh
3. The S.D.M. Kasdol Division, Tahsil Kasdol, District Raipur Chhattisgarh
4. The Assistant Commissioner, District Level Caste Certificate Scrutinization/ Verification Committee, Collectorate Raipur, District Raipur Chhattisgarh
5. The Principal, Government Industrial Training Institute, Hathband, District Balodabazar Bhatapara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Mayank Chandrakar, Advocate
For State	:	Ms. Shriya Mishra, P.L.

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

19.06.2019

1. With the consent of the parties the matter was heard finally at motion stage.
2. The challenge in the present writ petition is to the order Annexure P-1 dated 27.05.2019. Vide the said order the petitioner has been called upon to produce his caste certificate duly certified by the State Level High Power Caste Scrutiny Committee constituted by the State Govt. in this regard.
3. Counsel for the petitioner submits that the petitioner was initially appointed under the respondents way back in the year 1989 and since then the petitioner has been continuously working with the department. He submits that at the time of appointment the petitioner had furnished his caste certificate for the purpose of employment. The contention of the counsel for the petitioner is that somewhere in the year 2016-17 there was an anonymous complaint made by somebody in the department doubting the caste certificate of the petitioner. The petitioner on 26.10.2017 was issued with a notice to produce his caste certificate issued by the competent authority. The petitioner thereafter produced before the authorities a caste certificate duly issued in favour of the petitioner by the Collector, Raipur way back in 1979. The petitioner also made an application before the competent authority for issuance of a fresh caste certificate. However, the office of the Assistant Commissioner, Tribal Welfare gave a letter to the petitioner on 22.12.2017 intimating him that the department

does not have the records with which the caste certificate could be verified. The petitioner again applied before the Sub Divisional Officer, Kasdol, District Balodabazar Bhatapara (earlier under District Raipur) and the SDO vide its order dated 31.03.2018 issued a caste certificate to the petitioner declaring him to be scheduled caste person. Simultaneously, the petitioner had also moved an application before the High Power Caste Scrutiny Committee constituted by the State Govt. located at Raipur along with all relevant documents that were available in possession of the petitioner and the matter is still pending consideration before the said Committee.

4. Given the aforesaid facts and circumstances of the case, it is undisputed that the petitioner has been working with the respondents since 1989 onwards and there are couple of caste certificates which have been issued by the State Govt. to the petitioner. As per the judgment of the Supreme Court in the case of **Madhuri Patil & Anr. v. Additional Commissioner, Tribal Development & Ors. [AIR 95 SC 94]** and also the subsequent decisions which have been rendered by the Supreme Court as well as by this Court in respect of caste status what is settled position is that in case an employee got a caste certificate issued by the competent authority, the department i.e. the employer if at all if they have doubt to the status of the petitioner, they cannot suo motu conduct an enquiry. The matter has to be referred to the State Level High Power Caste Scrutiny Committee constituted as per the judgment of the Supreme Court in the case of Madhuri Patil (supra).

5. In the instant case, the Department does not seem to have referred the matter of the petitioner to the High Power Caste Scrutiny Committee which they ought to have done. Having not done so, this Court is of the opinion that the issuance of notice directing the petitioner to produce caste certificate issued by the High Level Caste Scrutiny Committee is totally uncalled for. The petitioner has caste certificate in his possession. If the authority has some doubt so far as the caste status of the petitioner or the veracity of the caste certificate of the petitioner is concerned, the same can be subject to verification on a reference being made by the Department to the High Level Caste Scrutiny Committee alone.
6. Thus, reserving the right of the State Govt for taking appropriate steps in this regard, if they feel so, the impugned order Annexure P-1 to that extent stands set aside/quashed.
7. The writ petition accordingly stands allowed.

**Sd/-
(P. Sam Koshy)
JUDGE**