

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6374 OF 2019**

Smt. Chanchala Mankar W/o Shri Nilaram Mankar Aged About 44 Years
 Posted As Assistant Teacher (L.B.), At Government Primary School
 Ghontha Nawagarh, District- Bemetara, Chhattisgarh, R/o Ward No. 51,
 Madhuban Nagar, Borsi, District- Durg, Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Its Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Bemetara, Bemetara, Chhattisgarh.
2. District Education Officer Bemetara District- Bemetara, Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Nawagarh, District- Bemetara, Chhattisgarh.
4. Block Education Officer Nawagarh, District- Bemetara, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Ishan Verma, Advocate.
For Respondent-State	:	Ms. Ishwari Dhritlahre, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26.08.2019**

1. Challenge in the present writ petition is to the order dated 31.07.2019 (Annexure P/1) issued by the respondent No.3 whereby the petitioner has been asked to produce permanent caste certificate or else disciplinary action would be initiated against her.
2. The counsel for the petitioner submits that initially the petitioner has got a temporary caste certificate issued by the Tehsildar, Nawagarh, District Durg (as it then was) on the basis of which she granted appointment and also regularized in service in the year, 2005. Subsequently, the services of the petitioner have also been absorbed in the Education Department vide order dated 28.08.2018. Now the respondent No.3 has issued the

impugned notice to immediately produce permanent caste certificate or else disciplinary action would be initiated.

3. The counsel for the petitioner refers to a circular whereby it has been held that in the event of brother and sisters of the candidate having already got a permanent caste certificate from the competent authority/committee, then a fresh detailed investigation need not be done so far as other family members are concerned and only on account of an affidavit and proper application immediately permanent caste certificate can be issued.
4. It appears that petitioner has not approached the concerned High Power Caste Scrutiny Committee or before the competent authority for obtaining permanent caste certificate.
5. Under the circumstances, this court is of the opinion that ends of justice would meet if the petitioner is granted 10 days time to approach the Committee/Competent Authority for obtaining permanent caste certificate based on the certificate that her brother or sister have already been issued with by the same authority. It is expected that the respondents No.3 shall grant a reasonable time to the petitioner before proceeding further on the notice that has been issued on 31.07.2019 subject to her moving an application before the concerned Committee/Authority within a period of 10 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge