

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 143 of 2020**

- Ikram Ahmed (Wrongly Mentioned As Mohammad Ikram Ahmed In The Impugned Order) S/o Shri Islam Ahmed Aged About 45 Years R/o Gazi Nagar, Ward No. 1, Biragaon, District- Raipur, Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through Its Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (Raipur) District : Raipur, Chhattisgarh
2. The Additional Collector District : Raipur, Chhattisgarh
3. Sub Divisional Officer (Certification) District Raipur, Chhattisgarh
4. The Tehsildar Dharsiwan, District- Raipur, Chhattisgarh
5. Nagar Panchayat Birgaon, Through Its Chief Executive Officer, District- Raipur, Chhattisgarh
6. Dr. Shakil (As No Description Is Given In Both The Impugned Orders) Through The Additional Collector, Raipur, District- Raipur, Chhattisgarh
7. Mahadev Kanwre S/o Shri Suryadev Kanwre Aged About 46 Years Additional Collector, District- Raipur, Chhattisgarh

---- Respondents

For Applicant/s	:	Ms. Ruchi Nagar, Advocate.
For State	:	Mr. Ankur Kashyap, P.L.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/02/2020**

1. Heard
2. Applicant seeks recall of order dated 02.01.2020 by which, the petition was disposed off as having rendered infructuous on the statement given by the counsel appearing for the respective respondents in the writ petition. There was no representation made by the petitioner.
3. This application for recall of the order has been made on the ground that though the petitioner cannot be put back in the office even if the petition is allowed, nevertheless, the issue with regard to caste certificate was required to be decided, otherwise, in future, the orders passed by the Collector and Appellate Authority may come in the way of the petitioner in claiming OBC status.
4. The petitioner filed petition aggrieved by the order passed by the Collector in

which cloud was cast on his caste status as OBC. This resulted in removal of the petitioner from the office of the Counsellor. However, during the pendency of petition, the term of the office of Counsellor itself came to an end.

5. In that view of the matter, the issue becomes academic in nature and as the petitioner cannot be put back in the office at this distance of time when subsequently, during the pendency of this petition, elections have taken place from time to time and new Counsellor have been elected.
6. However, it is observed that the orders passed by the Collector and the Appellate Authority shall not come in the way of the petitioner in claiming status of OBC or in applying for issuance of certificate to that effect. This is so because earlier orders impugned are passed on considerations pertaining to a temporary caste status and there has been no enquiry by Caste Scrutiny Committee with regard to status of the petitioner. This could be done only by the Caste Scrutiny Committee at the State level and by no other Authority.
7. With the said observation, MCC is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge