

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2231 of 2020**

- Devnath Dhakate S/o Late Sunder Lal Dhakate Aged About 51 Years Working As Assistant Engineer, Chhattisgarh Police Housing Corporation Limited, Division Durg, C. G., R/o Tulip 353, Block-A, Chhattisgarh Housing Board Colony, Talpuri, Bhilai, District Durg Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur District Raipur Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Department Of Tribal And Schedule Caste Welfare, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur District Raipur Chhattisgarh
3. High Power Certification Scrutiny Committee, Through Its Chairman, Block-4d, Ground Floor, Indravati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
4. Deputy Secretary Department Of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh
5. Adhyashak / Head And Managing Director Chhattisgarh Police Housing Corporation Limited, Old, Police Headquarter, S. I. B. Building, Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Shobhit Koshta, Advocate

For Respondents/State : Shri Sudeep Agrawal, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****17/06/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was initially

appointed on the post of Sub-Engineer at Madhya Pradesh Police Housing Corporation Limited. Subsequently, in the year 2012 based on the complaint regarding his caste that the petitioner holds the false caste certificate, the issue was referred to the High Power Certification Scrutiny Committee and the said committee by order dated 07.09.2019 canceled the caste certificate of the petitioner. Subsequently, the same was subject of challenge before this Court in WPC No.4647 of 2019, wherein this Court on 19.12.2019 had stayed the finding of the scrutiny committee dated 07.09.2019. However, the services of the petitioner were terminated on 17.12.2019 without giving any charge-sheet and the opportunity of hearing.

3. It is further contended that recently the State Government has issued a circular dated 03.06.2020 which is placed on record as Annexure P-9, whereby the initial circular dated 01.10.2011 which was issued, came to existence in view of the order passed by the Supreme Court and by this Court too. It is further contended that at this stage, since the petitioner was appointed prior to 28.11.2000, therefore, he would get the benefit of the circular dated 03.06.2020, which has revived the earlier circular dated 01.10.2011. Learned counsel therefore submit that under the circumstances, the petitioner may be given liberty to make a detailed representation along with the copy of the circular dated 03.06.2020 and the orders passed by this Court in the likewise petitions before the respondent No.1 Secretary, Department of Home, who may be directed to decide the same within a reasonable time.
4. Considering the documents which are placed on record, the circular which is issued by the State dated 03.06.2020 and the issue involved in this case, the petitioner is given liberty to make a representation along with all the relevant

documents and the copy of the circulars before the respondent No.1 within a period of two weeks from today. On such representation being filed, the respondent No.1 in turn shall decide the same within a further period of 90 days from the date of receipt of the representation. The petitioner if is aggrieved shall be at liberty to challenge the order so passed including order of termination.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu