

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2854 of 2020**

- Smt. Sushma Kumar W/o Late Shri Sanjay Kumar Aged About 58 Years R/o, C/o Smt. Sushma Kumar, Sunder Nagar, Pendra Road, District- Gourela-Pendra-Marwahi, (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Scheduled Castes, Scheduled Tribes And Other Backward Classes, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District- Raipur, (C.G.)
2. High Power Certification Scrutiny Committee Through The Commissioner, SC ST Development, Indrawati Bhawan, Atal Nagar, Nava Raipur, District- Raipur, (C.G.)
3. District Level Certificates Verification Committee Through The Assistant Commissioner-Cum-Secretary, Janjgir, District Janjgir-Champa, (C.G.)
4. Principal Pt. Madhav Rao Sapre Government College, Pendra Road, District- Gourela-Pendra-Marwahi, (C.G.)
5. Sub-Divisional Officer (Revenue) Pendra Road, District- Gourela-Pendra Marwahi, (C.G.)

---- Respondents

For Petitioner : Shri Dhiraj Kumar Wankhede, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****21/07/2020**

1. Heard.
2. It is contended that the petitioner was appointed on 07.04.1998 as a Sports

Teacher in the erstwhile State of Madhya Pradesh and after bifurcation of the State, her services were allocated to the State of Chhattisgarh. Thereafter, in the year 2017, a compliant was made by one Muralilal Agrawal alleging that the petitioner has obtained the job on the basis of the forged caste certificate. Subsequently, Muralilal Agrawal died in the year 2019. It is contended that the petitioner has received a notice on 07.03.2020 by the District Level Caste Certificate Verification Committee which is the part of the Annexure P-1 and the petitioner has replied to it. However, in the meanwhile, another notice has been served to the petitioner by the SDO on 19.06.2020 (Annexure P-1), wherein the SDO has called for the documents from the petitioner. It is submitted that the SDO do not have the jurisdiction to entertain such kind of complaint as he is a Class-II Officer and further in view of the Chhattisgarh Scheduled Castes Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013 (for short 'the Act, 2013') the SDO cannot issue such notice and enquire into the authenticity of the caste certificate.

3. Learned State counsel submit that the notice issued by the SDO dated 19.06.2020 is in two parts and reference is made to the District Level Caste Certificate Verification Committee, thereby no prejudice is caused.
4. Perused the documents. The perusal of the documents would show that on 07.03.2020 the petitioner is served with a notice by the District Level Caste Certificate Verification Committee, whereby the authenticity of the caste certificate of the petitioner is being enquired. In view of this, when already the issue is in seisin of the District Level Caste Certificate Verification Committee, the SDO could not have issued the letter dated 19.06.2020 (Annexure P-1).

More so, under the Act, 2013 the SDO is not vested with any power to enquire such issue read with the law laid down by the Supreme Court in the case of ***Kum. Madhuri Patil Vs. Additional Commissioner, Tribal Development*** ***{(1994) 6 SCC 241}***. In view of this, the order dated 19.06.2020 issued by the SDO (R), Pendra Road, District Gourella, Pendra Marwahi, cannot be sustained in entirety as on the similar issue which is already pending at the end of the Assistant Commissioner-cum-Secretary, District Level Caste Certificate Verification Committee, the SDO cannot invoke the independent jurisdiction. Accordingly, the enquiry as proposed by the SDO by letter dated 19.06.2020 (Annexure P-1) is quashed.

5. Accordingly, the writ petition stands allowed to the extent indicated above.

Sd/-

Goutam Bhaduri
Judge

Ashu