

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2302 of 2020**

Shabana Parveen D/o- Md. Jamil Khan Aged About 41 Years R/o-
Teacher Quarter, Atal Awas- Bijapur, District- Bijapur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, School Education Department, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh
2. Chief Executive Officer Zila Panchayat- Bijapur, District- Bijapur, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat- Bijapur, District- Bijapur, Chhattisgarh
4. District Education Officer District- Bijapur, Chhattisgarh
5. Sub-Divisional Officer (Revenue) District- Bijapur, Chhattisgarh
6. Tehsildar District- Bijapur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate
For State	:	Mr. Siddharth Dubey, Dy. G.A.

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

08/10/2020

1. The challenge in the present writ petition is to the order Annexure P/1 dated 21.07.2020 passed by the respondent No.4-the District Education Officer, District Bijapur. Vide the said order, the District Education Officer has asked the petitioner to furnish the permanent caste certificate issued by the officer of the rank of Sub-Divisional Officer/Deputy Collector within a period of 15 days.

2. Considering the fact that the notice under challenge is that of 21.07.2020, the counsel for the petitioner submits that the authorities thereafter have not taken any further adverse action against the petitioner till now. It has further been contended by the petitioner that it is a case where the petitioner already has a caste certificate issued in her favour way back in the year 1998 as also subsequently in the year 2002. However, as per the system prevailing then the certificates were issued with six months period validity. Based upon the said certificate the petitioner has got an employment with the respondents as a Shiksha Karmi Grade-III in the year 2006 and since then she is continuing discharging the duties as a Shiksha Karmi.
3. According to the petitioner, because of the effect of the COVID-19 Pandemic and the Lock-down situation prevailing everywhere, particularly in District Bijapur, the petitioner could not apply for grant of a permanent caste certificate as was directed vide the impugned notice dated 21.07.2020. The counsel for the petitioner submits that some reasonable period be granted to the petitioner, within which the petitioner shall apply and obtain the same from the competent authority and shall submit the same before the respondent No.4. He further submits that the sister of the petitioner already has a permanent caste certificate in her favour and therefore the petitioner also would not have any difficulty in getting a permanent caste certificate issued in her favour.
4. The State counsel on the other hand submits that the impugned notice herein is one which was issued about three months back, therefore there is a possibility of the respondent authorities having

taken any action against the petitioner for non-compliance of the direction. At this juncture the counsel for the petitioner submits that no adverse order has till date been passed by any of the respondents against the petitioner pursuant to Annexure P/1.

5. Given the said contentions by the counsel for the parties, it is ordered that let the petitioner approach the respondent No.5 for issuance of an appropriate permanent caste certificate in accordance with law. That on such application being moved, the respondent No.5 in turn is directed to consider and decide the same at the earliest preferably within a period of 60 days from the date of receipt of the application by the petitioner.
6. Let an application be filed before the respondent No.5 within a period of 15 days from today. Meanwhile, the petitioner shall also apprise the respondent No.4 in respect of her having applied before the respondent No.5 for issuance of a permanent caste certificate. The respondent No.4 in turn if no adverse order has been passed till now pursuant to Annexure P/1 is ordered to wait further till the application of the petitioner for grant of permanent caste certificate is decided by the respondent No.5 before proceeding further with Annexure P/1.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved