

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5464 of 2020**

Smt. Pramila Vastrakar W/o Suresh Kumar Vastrakar Aged About 47 Years
Caste Mahara, Scheduled Caste, Occupation Service, Rural Agriculture
Extension Officer, Office Of Senior Agriculture Development Officer
Takhatpur District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The Secretary, State Of Chhattisgarh, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
3. The Director Directorate Agriculture, Department Of Agriculture, Raipur Chhattisgarh
4. High Power Caste Certificate Scrutiny Committee, Through Member Secretary And Joint Director, Adim Jati Anusandhan Evam Prashikshan Sansthan, State Of Chhattisgarh Block D, Ground Floor, Indrawati Bhawan, Nawa Raipur Atal Nagar, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate along with Mr. Rajkumar Gupta, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/12/2020**

1. The present writ petition seems to have been filed under the apprehension that the services of the petitioner may get terminated in the light of Annexure P/1 dated 25.11.2020/03.12.2020.

2. Vide the said impugned order the respondents have taken a decision to terminate the services of those employees, who have obtained employment on the basis of fake/false certificate and where there is a finding of the State level High Power Caste Scrutiny Committee of the petitioner not being to the caste against which the petitioner has obtained employment. The impugned decision (Annexure P/1) also reflects that the same has been passed to terminate those employees, who have not challenged the order before the High Court and where there are no interim order in favour of the employees concerned.
3. At this juncture the learned counsel for the petitioner submits that so far as the petitioner is concerned, the State Level Committee's order dt 26.11.2007, was subjected to challenge vide WPS No. 942/2008 and which was allowed vide order dated 09.08.2019, whereby the order of the High Power Caste Scrutiny Committee has been set-aside/quashed with the liberty to the respondents to conduct a fresh inquiry if they so want in accordance with the subsequent Rule framed by the State Government i.e. the Rules of 2013. According to the petitioner, this fact has not been disclosed while preparing Annexure P/1. In fact when the order of the Caste Scrutiny Committee has been quashed by this Court, there is no order of the Committee as on date in existence, by which the services of the petitioner could had been terminated. That this fact is not reflected in the impugned order (Annexure P/1) against the name of the petitioner.

4. The State counsel at this juncture submits that it is only a list which has been prepared by the State Authorities so far as those employees, whose case have been subjected to enquiry before the High Power Caste Scrutiny Committee. This by itself would not mean that their services would get terminated or they would be terminated without verifying the factual details available.
5. Given the submissions and contentions put forth on either side and perusal of record, from the contentions which the petitioner has brought on record it clearly reflects that there was an order passed by the High Power Caste Scrutiny Committee dated 26.11.2007, whereby the caste certificate to be improper and had directed the respondents to take appropriate steps to cancel the employment obtained on the basis of the said caste certificate. It is also an admitted fact that the said order dated 26.11.2007 was subjected to challenge in WPS No. 942/2008, which was finally allowed vide order dated 09.08.2019 and the report of the High Power Caste Scrutiny Committee was set-aside/quashed. After the quashment of the High Power Caste Scrutiny Committee's report there is no further finding of fact by any committee to the extent that the petitioner does not belong to the caste of which the certificate has been produced for employment. Liberty though is reserved with the State Authorities to conduct an inquiry in accordance with law.
6. Given the said admitted factual matrix of the case, the respondents are directed to ensure that before taking appropriate decision in the light of Annexure P/1, particularly in respect of the petitioner herein

belonging to the Agriculture Department, the aforementioned factual matrix would be born in mind by the authorities.

7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved