

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 222 of 2021**

Basudew Chouhan S/o Shri Suglu Ram Chouhan, Aged About 51 Years, Presently Working As Zone Commissioner, Surguja, Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administrative Department, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District Raipur, Chhattisgarh
2. The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj Chauhan on behalf of Mr. Somkant Verma, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.01.2021**

1. The present writ petition seem to have been filed on an apprehension that the services of the petitioner may be terminated in the light of the correspondence dated 25.11.2020 whereby the authorities have ordered that all those cases where there is finding of the High Powered Caste Scrutiny Committee (in short, the Committee) of employment having obtained under false, fake or wrong caste certificate, their

services should be terminated unless there is an interim protection from the High Court.

2. The contention of the petitioner is that from the enclosed list the respondents have not disclosed the fact that, the finding of the Committee so far as petitioner is concerned is subjected to challenge in WPS No.5619 of 2016 where the High Court has already granted an interim protection on 29.11.2016. The apprehension is that the respondents may take a decision in violation of the order passed by this Court on 29.11.2016 in the aforesaid writ petition and the petitioner may be terminated abruptly.
3. Learned counsel for the State at this juncture submits that there is no reason for petitioner's apprehension for the reason that admittedly there is a writ petition filed by him challenging the order of the Committee and the High Court has granted interim protection to the petitioner so far as any coercive step to be taken by the department pursuant to the order of the Committee dated 27.06.2016. According to the State counsel, the petitioner should not have any apprehension as of now and the writ petition to that extent is premature.
4. Given the submissions made by the counsel for the parties and taking note of the order of the Committee dated 27.06.2016 and the same being subjected to challenge in WPS No.5619 of 2016 and there being an interim protection vide order of this Court dated 29.11.2016, this Court is of the opinion that the respondents, as and when, intend to take any decision arising out of the order of the Committee dated 27.06.2016 so far as petitioner is concerned, they shall keep in view the order passed by this Court on 29.11.2016 in WPS No.5619 of 2016

or any order subsequently passed by the High Court. The interim order passed by the High Court would be only to the extent of not taking any coercive step pursuant to the order passed by the High Powered Caste Scrutiny Committee and that would not preclude the State from taking any other decision on the administrative side in respect of the petitioner.

5. With the aforesaid observations the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**