

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 428 of 2021**

Anita Rai/ (Daniel) D/o Late Shri R.D. Daniel Aged About 51 Years Posted As Shiksha Karmi Grade 03, Posted At Village Korja Block Gourela District Gourela Pendra Marwahi, R.O Village Sarbahra, Post Office Pendra Road District Pendra-Gourela-Marwahi (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, General Administrative Department Mantralaya Mahanadi Bhawan, New Raipur District Raipur (Chhattisgarh)
2. The District Education Officer Gourela Pendra Marwahi, District Gourela Pendra Marwahi, District : Gaurela-Pendra-Marwahi, Chhattisgarh
3. The Chief Executive Officer Zila Panchayat, Gourela-Pendra-Marwahi, District Gourela Pendra Marwahi, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Krishna Tandon, Advocate
For State	:	Mr. Sudeep Verma, Dy. GA

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

25/01/2021

1. The challenge in the present writ petition is to the notice Annexure P-3 dated 03.12.2020. Vide the said notice the General Administration Department of the State of Chhattisgarh has published a list of employees who is alleged to have obtained employment on the basis of the Caste certificate which they have and where the State Level High Powered Caste Scrutiny Committee has on an enquiry found the certificate to be either fake, or the employee belonging to a different caste or category.

2. Counsel for the petitioner submits that he is apprehending action by the respondents pursuant to Annexure P-3, the impugned order as name of the petitioner also reflects at Serial No.2 in the list pertaining to the Panchayat and Rural Development Department.
3. According to the counsel for the petitioner, the petitioner's caste certificate was in fact subjected to scrutiny by the State Level High Powered Caste Scrutiny Committee and there was an order passed by the State Level High Powered Caste Scrutiny Committee on 23.07.2007 canceling the Caste status certificate which the petitioner had got as early as on 16.10.1992. The petitioner further submits that the decision of the High Powered Caste Scrutiny Committee dated 23.07.2007 was subjected to challenge before this High Court vide WPS 6828/2007 and the said writ petition stood allowed vide order dated 25.07.2019 whereby the order of Caste Scrutiny Committee has been set aside by this Court leaving the liberty with the Committee to take a fresh decision after a fresh enquiry, if they so want. The said order has since attained finality as it has not been questioned further. The High Powered Caste Scrutiny Committee thereafter has not conducted any further enquiry nor is there any order so far as Caste Certificate having been declared to be false, fraudulent or fake. Subsequently after the order of this Court dated 25.07.2019 in WPS 6828/2017, after allowing of the aforesaid writ petition the name of the petitioner in fact should not had been reflected in Annexure P-3 at all as there is no writ petition pending in respect of Caste Scrutiny Committee's report is concerned, Yet petitioner apprehends that respondents may take an appropriate decision based upon Annexure P-3 alone without affording opportunity of hearing which could be detrimental to the interest of the petitioner.

4. State counsel on the other hand opposing the petition submits that once when the order of the High Powered Caste Scrutiny Committee stands quashed by the order of this Court dated 25.07.2019, the petitioner as such should not have an apprehension of being victimized only on account of his name being reflected in Annexure P-3. According to the State counsel it is always expected of the authorities concerned to look into the details of the documents available with the establishment before taking a decision on Annexure P-3 dated 03.12.2020. He further submits that writ petition at this juncture is also premature for the reason that no adverse order has been passed or initiated against the petitioner by the respondents and the writ petition has been filed only on apprehension and for the said reason the writ petition deserves to be rejected.
5. Having heard the contentions put forth on either side and on perusal of record it appears admittedly the petitioner was issued with an order by the State Level High powered Caste Scrutiny Committee on 23.07.2007 canceling the caste status certificate of the petitioner which petitioner had in his favour. The said order of the Committee was subjected to challenge before this High Court vide WPS 6828/2007 which was allowed by this Court on 25.07.2019. After allowing of the said writ petition the said order was not put to challenge further as such the same has attained finality which in other words means that order of the High Powered Caste Scrutiny Committee dated 23.07.2007 does not exist any further, unless a fresh enquiry or a fresh order is passed by the State Committee in terms of the order dated 25.07.2019 mentioned in the earlier writ petition.
6. Given the fact the name of the petitioner in fact should not had been reflected in Annexure P-3. That under the circumstances the writ petition at this juncture can be disposed of directing the State Authorities to ensure that before taking any appropriate decision pursuant to Annexure P-3 in

respect of the petitioner herein, the authorities particularly the respondent No.2 & 3 should ensure that order passed by this Court on 25.07.2019 passed in WPS 6828/2007 would be taken note of.

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

Sd/-
(P. Sam Koshy)
Judge

Rohit