

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Reserved for orders on :08/07/2021

Order passed on : 20/07/2021

WP227 No. 3034 of 2010

- Smt. Ranjana Mehra W/o Shri Sanjeev Kumar, Aged about 23 years, Caste Mehra (Scheduled Caste), R/o. Rajkishore Nagar, Tahsil and District Bilaspur (C.G.)

---- Petitioner

Versus

1. Smt. Shanti Vastrakar, W/o. Shri Khemraj Vastrkar, R/o. Village Lingiyadih, Rajkishore Nagar, Bilaspur, Tahsil and District Bilaspur (C.G.)
2. Sub-Divisional Officer (Revenue) Bilaspur, District Bilaspur (C.G.)

----Respondents

For Petitioner – Mr. H.B. Agrawal, Senior Advocate with Mrs. Swati Agrawal, Advocate.

For Respondent No.1 – None.

For Respondent No.2 – Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

CAV Order

20-07-2021

1. This petition has been brought under Article 227 of the Constitution of India praying to set aside the impugned order dated 07-06-2010 passed by respondent No.2 in Case No.2892/B-121/2009-2010 between Smt. Shanti Vastrakar Vs. Ranjana Mehra.

2. The petitioner had applied for appointment to the post of Anganbadi worker in Chandan Awas, Village Panchayat Lingiyadih on 12-08-2009 claiming that she is a member of Mehra, Scheduled Caste. Respondent No.1 made objection before the Collector, Bilaspur. Then, the case was sent to respondent No.2 for taking decision on the objection. Respondent No.2 has passed the impugned order (Annexure-P/5) holding that the caste certificate produced by the petitioner does not certify the correct caste, therefore, she is ineligible for the appointment.

3. It is submitted by learned counsel for the petitioner that the SDO is not an authority which can ignore the caste certificate issued by a State authority. The SDO has no jurisdiction to make an enquiry on such certificate. Such caste certificate should have been sent for examination to the High Power Committee.

Reliance has been placed on the judgment of Chhattisgarh High Court in the matter of **Suresh Kumar Koshti Vs. State Government of Chhattisgarh & Others**, 2010 (IV) MPJR-CG 37 and on the judgment of this Court in **WPC No.2344/2007** (Birendra Kumar Dewangan Vs. State of Chhattisgarh and others) decided on 26-04-2007. Therefore, it is a case in which direction given by Hon'ble the Supreme Court in the matter of **Madhuri Patil and another Vs. Addl. Commissioner, Tribal Development and others**, AIR 1995 SC 94 has been totally ignored. Hence, it is prayed that this petition be allowed and relief be granted to the petitioner.

4. The State counsel appearing for respondent No.2 opposes the submission and submits that no error has been committed by respondent No.2 in passing the impugned order. Therefore, this petition be dismissed.

5. In case of Madhuri Patil (supra) it was held by Hon'ble the Supreme Court that caste certificate issued should be scrutinized at the earliest and with utmost expedition and promptitude and directions were issued for the same. The State Governments were directed to constitute a committee for the purpose of verification and issuance of social status certificates. This direction was specific and there was also another specific direction that no suit or other proceedings before any authority should lie. Hence, in view of these directions, the matter should have been referred to the High Power Committee.

This matter is of the year 2009 and 2010 and on that date the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013, had not come into

force, therefore, directions given in Mahuri Patil's case were clearly applicable and were required to be followed. Therefore, the submission made by learned counsel for the petitioner holds ground. The enquiry and report made by respondent No.2 is without any authority. Hence, this petition is allowed and the impugned order is set aside. Respondent No.2 is now directed to make a reference to the High Power Committee for examining the correctness of the caste certificate issued to the petitioner, in accordance with the direction in Madhuri Patil's case.

6. The petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge