

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 174 of 2021**

1. Lal Bahadur Shah S/o Shri Gopinath Shah Aged About 58 Years Working As Executive Engineer (E/M) , At Office Of Engineer-In-Chief, Water Resources Department , Nava Raipur , Atal Nagar, District Raipur Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, General Administration Department , Mantralaya , Mahanadi Bhavan , Nava Raipur , Atal Nagar , District Raipur Chhattisgarh.
2. Secretary Water Resources Department, Mantralaya , Mahanadi Bhavan , Nava Raipur , Atal Nagar , District Raipur Chhattisgarh.
3. 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, Nava Raipur , Atal Nagar , District Raipur Chhattisgarh.
4. Engineer In Chief Water Resources Department , North Block , Sector 19, Nava Raipur , Atal Nagar, Raipur Chhattisgarh **---- Respondents**

For Petitioner	:	Shri Ritesh Giri, Advocate.
For State	:	Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/02/2021**

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 07.12.2019, was subjected to challenge vide WPS No. 1442/2020 and which was allowed vide order dated 03.03.2020, 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 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 07.12.2019, 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 07.12.2019 was subjected to challenge in WPS No. 1442/2020, which was finally allowed vide order dated 03.03.2020 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

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 109 of 2021

Lal Bahadur Shah S/o Shri Gopinath Shah, Aged About 58 Years
Working As Executive Engineer (E/M), At Office Of Engineer In Chief,
Water Resources Department, Nava Raipur, Atal Nagar, District Raipur
Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Its Secretary, General Administration Department, Mantralaya , Mahanadi Bhavan, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. Secretary, Water Resources Department, Mantralaya, Mahanadi Bhavan, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh
3. 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, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh
4. Engineer In Chief, Water Resources Department, North Block, Sector 19, Nava Raipur, Atal Nagar, Raipur Chhattisgarh

---- Respondents

01.03.2021	Mr. Vinod Deshmukh and Mr. Ritesh Giri, counsel for the applicant. Mr. Avinash Singh, P.L. for the State. The present MCC has been filed seeking for correction/modification of the order dated 02.02.2021 passed in WPS No. 174 of 2021.

The modification sought for is two folds. Firstly, in paragraphs 3 & 5, WPS No. 1442/2020 has been reflected to have been allowed and disposed of whereas in fact the said writ petition is pending consideration before this Court and this High Court has granted an interim protection to the applicant herein in respect of his employment.

Likewise, the second modification sought for is in paragraph-6 where inadvertently "Agriculture Department" has got typed whereas it ought to have been "Water Resources Department".

On due consideration of the records of WPS No. 1442/2020, the State counsel does not oppose the application for modification.

Accordingly, the order dated 02.02.2021 passed in WPS No. 174/2021 stands modified to the extent that in place of "*and which was allowed vide order dated 03.03.2020, 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 had been terminated.*" it shall be read as **"and the High Court has by way of an interim protection restrained the respondent-State from initiating any coercive action against the petitioner pursuant to the**

report of the High Power Caste Scrutiny Committee.”

Likewise, in paragraph-5 again in place of “*which was finally allowed vide order dated 03.03.2020 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 cast 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*” it shall be read as “**and the High Court has by way of an interim protection restrained the respondent-State from initiating any coercive action against the petitioner pursuant to the report of the High Power Caste Scrutiny Committee.”**

Similarly, in paragraph-6 also in place of “Agriculture Department” now it shall be read as “**Water Resources Department**”.

With the aforesaid modification, the present MCC stands allowed.

Let a copy of the order passed in the present MCC be made part of WPS No. 174 of 2021 .

Sd/-

**(P. Sam Koshy)
JUDGE**