

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.2967 of 2011

Roshan Prasad Sidar, S/o Shri Sita Ram Sidar, Aged about 34 years, Occupation Service, Multipurpose Health Worker (Male), Section Madhavpali, Sector Godam, Community Health Centre, Sarangarh, District Raigarh (C.G.) (presently removed from service)

---- Petitioner

Versus

1. The State of Chhattisgarh, Through the Secretary, Health Services, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Director Health Services, State of Chhattisgarh, Raipur (C.G.)
3. Chief Medical and Health Officer, Raigarh, Distt. Raigarh (C.G.)
4. Collector Raigarh, Distt. Raigarh (C.G.)
5. Union of India, Joint Secretary, Janjatiya Karya Mantralay, Shastri Bhavan, New Delhi

---- Respondents

 For Petitioner: Mr. Priyanshu Gupta, Advocate.
 For Respondents No.1 to 4 / State: -
 Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The petitioner was terminated from service in violation of the principles of natural justice which was called in question by way of writ petition and which was allowed and the matter was referred to the appointing authority. This time, the petitioner submitted temporary caste certificate issued in his favour, on 15-11-2010, but that was not considered and by order dated 22-8-2003, appointment of the petitioner has been cancelled and his services have been terminated by the impugned order which has

been called in question in this writ petition by the impugned order.

3. Learned counsel for the petitioner would submit that though the petitioner has submitted temporary caste certificate on 15-11-2010 along with memo, but that has not been considered and this time, permanent caste certificate has been submitted, but that has not been considered.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
5. True it is that the petitioner could not prefer permanent caste certificate, but he has filed temporary caste certificate which has not been accepted and the impugned order has been passed. It was open to the competent authority to consider the acceptability of temporary caste certificate and could have granted time to produce permanent caste certificate and no reason has been assigned for not accepting the temporary caste certificate. In that view of the matter, the matter is remitted to the Chief Medical and Health Officer, Raigarh for hearing the petitioner and considering his case afresh within two months from the date of receipt of a copy of this order and thereafter, pass order afresh, in accordance with law.
6. With the aforesaid observation and direction, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge