

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4197 of 2021**

1. Smt. Chanchala Mankar W/o Shri Nilaram Mankar Aged About 46 Years Posted As Assistant Teacher (L.B.), At Government Primary School Ghontha Nawagarh, District-Bemetara, Chhattisgarh, R/o Ward No. 51, Madhuban Nagar, Borsi, District-Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Bemetara, Bemetara, Chhattisgarh
2. Assistant Commissioner And Member Secretary, District Level Scrutiny Committee Bemetara, District- Bemetara, Chhattisgarh
3. District Education Officer, Bemetara, District- Bemetara, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat, Nawagarh, District-Bemetara, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Ishan Verma, Advocate.
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.08.2021**

1. Aggrieved by the order dated 16.07.2021 passed by the Assistant Commissioner and Member Secretary, District Level Caste Scrutiny Committee, Bemetara, the present writ petition has been filed.
2. Vide the said letter, the Assistant Commissioner has asked the petitioner to submit documents prior to 1950 enabling the Committee to issue a permanent caste certificate.
3. Learned counsel for the petitioner submits that it is a case where in the previous round of litigation, this Court had directed the petitioner to approach the Committee and the Committee in turn was directed to scrutinize

the claim of the petitioner for grant of the said certificate. Subsequently, the Committee having processed the claim, have now issued Annexure P/1 directing the petitioner to furnish certain documents/ records of prior to 1950.

4. Counsel for the petitioner submits that the petitioner does not have any such documents and it would take sometime for them to collect the same and produce before the authorities. At the same time, Counsel for the petitioner also submits that as regard the procedure for issuance of the caste certificate is concerned, the same has to be done in accordance with the Chhattisgarh Schedule Castes and Schedule Tribes and other backward classes (Regulation of Social Status Certification) Act, 2013 and the rules framed thereunder.
5. According to the petitioner, there is a provision under the said rules for submission of inability certificate, if for any reasons, the party is not able to produce documents prior to 1950 and thereafter, the rules provide for the procedure in accordance with which the Committee has to proceed further. However, in the instant case without resorting to any such recourse under the rules of 2013, the authorities have issued Annexure P/1 insisting for the submission of the records prior to 1950.
6. Be that as it may, considering the fact that the certificate in-respect-of social status of the petitioner is concerned, the same has to be issued in accordance with the law governing the field today i.e. aforementioned Act and Rules of 2013. The rules & circulars issued by the State Government provide for submission of the inability certificate and upon which the Committee has to proceed further in terms of the aforesaid rules for the purpose of finalization of the proceedings for issuance of the social status certificate.
7. Given the aforesaid factual backdrop and the rules position as it stands, particularly taking into consideration the Rules of 2013, the present writ

petition at this juncture is disposed of, reserving the right of the petitioner to respond to Annexure P/1 before the concerned authority by either submitting the documents of prior to 1950 if he has, if not, the petitioner's right to submit an inability certificate stands reserved and thereafter the concerned Committee is expected to proceed further and decide the case strictly in accordance with the procedures that are prescribed under Rules 2013 and an appropriate order shall be passed at the earliest.

8. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge

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