

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4120 of 2021

Ritu Chaurasia, S/o. Late Ravindra Chaurasia, Aged About 42 Years,
R/o. Ward No. 13, Transport Nagar, Korba, District Korba Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh.
2. The Collector, District Korba, Chhattisgarh.
3. District Level Certificate Verification Committee, Korba, Through The Competent Authority / The President, O/o The Collectorate, District Korba, Chhattisgarh.
4. The Sub Divisional Officer (R) Sub Division, Korba, District Korba, Chhattisgarh.
5. The Tehsildar, Tehsil Office, Korba, District Korba, Chhattisgarh.
6. Rajkishore Prasad, S/o. Ramswaroop Prasad, Aged About 65 Years, R/o. Plot No. 118, "Sumangal" Transport Nagar, Korba, District Korba, Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri Rajesh Kumar Kesharwani, Advocate
For State/Respondents	: Shri Sudeep Agrawal, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.10.2021

Heard

1. Learned counsel for the petitioner submits that the respondent No.6 has obtained a forged OBC certificate, therefore, the petitioner has made an application to the District Level Certificates Verification Committee, respondent No.3 and they are duty bound to enquire into such information as the information has been received under Section 6 of the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013 (*hereinafter referred to as "the Act, 2013"*).

2. Perused sub-section 2 of Section 6 of the Act, 2013, it is about verification of social status certificate, whether it can be at the behest of a private person, sub-section 2 of Section 6 do not contemplate. It is sole prerogative of the District Level Certificates Verification Committee in an appropriate case to exercise the power. If the contentions of the petitioner are accepted then there may be thousands of application may be filed and under the order of the High Court, the District Level Certificates Verification Committee cannot be compelled to enquire into it.
3. Under Rule 15 (1) of the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Rules, 2013, the power to verify is vested with the public employer. Rule 15 would be relevant one, which is quoted hereunder :

“15. Verification of Certificate and reference to Verification Committee. - (1) If the concerned public employer, educational institution or a statutory body the State Government or the Central Government, as the case may be, receives a complaint or raises a doubt that the person appointed, admitted, elected, named or nominated has obtained Certificate wrongly or fraudulently then he/it shall ask such person to file an affidavit in FORM-2B and shall refer the matter to the Verification Committee in FORM-1B.

(2) Verification Committee shall verify about 10% of the total number of Certificates issued by the Competent Authority, as sample inquiry through random sampling method. The Applicant shall not be at liberty to seek information from the Verification Committee as to why his certificate has been selected for verification.

(3) Verification Committee may direct any Applicant to submit application in FORM-1C along with affidavit in FORM-2C and shall exhibit such document as required under sub-rule (3) of Rule 3, necessary to verify his social status.

(4) A Non-Applicant, instead of referring a certificate to the Verification Committee may also direct the Applicant to get his certificate verified by the Verification Committee. In such cases

the Applicant shall submit his original certificate, an application in FORM-1C along with affidavit in FORM-2C and document as required under sub-rule (3) of Rule 3.

(5) In case of direction from Verification Committee under sub-rule (3) or direction from Non-Applicant under sub-rule (4) to verifying Certificate from the Verification Committee, the Applicant shall be bound to submit the application as mentioned above along with affidavit and documents as required under sub-rule (3) of Rule 3 within a period of not more than a month, failing which the committee may decide ex-parte and Certificate of such Applicant shall be forwarded under Rule 18 to Scrutiny Committee:

Provided that where applicant satisfies the Verification Committee that application, affidavit and other documents could not be submitted within prescribed time limit of one month, due to adequate reasons, the Verification Committee may extend the time for the verification of certificate of the applicant.

4. Reading of the aforesaid rule would show that the public employer, educational institution or a statutory body the State Government or the Central Government, as the case may be, receives a complaint or raises a doubt that the certificate has been wrongly or fraudulently obtained, then certain procedures are required to be followed. On a private petition, this prayer cannot be acceded to exercise the power under Article 226 of the Constitution to direct the verification committee to verify the caste certificate. Accordingly, the petition is dismissed, however, the petitioner is at liberty to avail the other remedy available to him under the law.

**Sd/-
(Goutam Bhaduri)
Judge**

Aks