

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4270 of 2021

1. Smt. Pamita Meshram W/o Shri Bhimrao Meshram Aged About 46 Years R/o Village Sonhat, Tahsil Sonhat, District Koriya (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of General Administration, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. District Level Caste Certificate Verification Committee, Through - Chairman Additional Collector (Tribal Development), Koriya (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh
3. District Education Officer, Baikunthpur, District Koriya (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

---- Respondents

For Petitioner	: Mr. Sanjay Agrawal, Advocate.
For State	: Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/10/2021

1. Heard.
2. It is submitted by the counsel for petitioner that she is a member of Schedule Caste belonging to "Mahar" caste. Husband of the petitioner is also a member of Scheduled Caste, who was in government service and had to migrate to the State of Chhattisgarh after allocation on the event of states reorganization of the State of Chhattisgarh, issued a memo-F14-2/2004/1/3 dated 6.7.2004, in which, it is mentioned that grant of employees, employees of Corporation, Commission Board

and Public Undertakings, who have migrated to the State of Chhattisgarh on account of allocation, because of the reorganization of States belonging to the Scheduled Castes or Scheduled Tribes shall be deemed to be the members of Scheduled Castes or Scheduled Tribes for the State of Chhattisgarh. The petitioner then moved an application for issuance of caste certificate and she was granted a caste certificate vide Annexure-P/2 on 23.6.2008. The petitioner is also a government employee and her caste certificate has come to scrutiny before the District Level Committee for scrutiny of the caste certificate, by which the impugned order dated 21.10.2021 has been passed holding, that the petitioner is not the resident of this State, therefore, the caste certificate issued in her favor is not valid.

3. It is submitted by the counsel for the petitioner, that according to the Rule 12 of the Chhattisgarh Scheduled Caste, Scheduled Tribes and other Backward Classes (Regulation of Social Certification) Rules, 2013(for short Rules, 2013). The government employees as well as the employees of Corporation, Commission, Board, Public Undertakings etc, who have involuntarily migrated to the State of Chhattisgarh due to allocation after the reorganization of the States, shall be deemed to have migrated involuntarily and they shall be issued certificate and shall also be given benefits of reservation in the State of Chhattisgarh. It is also submitted that in case of any scrutiny of caste certificate, that has to be taken up strictly in accordance with Rule 18 of the Rules, 2013. The Rule 18 of the Rules, 2013 has not been followed in passing of the impugned order, therefore, the petition is fit to be admitted and the petitioner is also entitled for grant of relief.

4. Learned State counsel opposes the submissions and submits that in case the proper procedure has not been followed by the respondent No.2 the case may be remitted back to the same authority with direction for decision in the matter of scrutiny of the caste certificate of the petitioner in accordance with the rules.
5. After considering on the submissions. This petition is disposed off at motion stage. The impugned order dated 21.10.2021 is quashed. The case before the District Level Committee for scrutiny of Caste Certificate, Distirct-Koriya i.e. respondent No.2 is directed to reconsider in the matter of making scrutiny of the caste certificate of the petitioner by following the provision under Rule 18 of the Rules, 2013 and pass appropriate order in accordance with law.
6. Accordingly, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha