

HIGH COURT OF CHHATTISGARH AT BILASPUR

Review Petition No. 156 of 2021

1. Pandit Ravishankar Shukla University Raipur through Its Registrar, Pandit Ravishankar Shukla University Raipur, District Raipur Chhattisgarh.
2. Vice Chancellor, Pandit Ravishankar Shukla University Raipur, District Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. Dr. Manish Kumar Rai S/o Shri Dhayal Kajur Aged About 53 Years R/o House No. 665/2masjid Road, Kota, Ravishankar Shukla University Raipur Chhattisgarh.

---Respondents

For Petitioners	:	Shri Neeraj Choubey, Advocate.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.11.2021

1. The present review petition has been filed seeking review of the order dated 14.09.2021 passed by this court in WPS No.4877 of 2021. This court while disposing of the writ petition on 14.09.2021 had directed the review petitioners to open the sealed cover with respect to the recommendations made by the DPC convened for promotion from the post of Associate Professor to the post of Assistant Professor.
2. The DPC was convened on 08.11.2012. The recommendations of DPC was kept in a sealed cover in the light of findings given by the State Level High Powered Caste Scrutiny Committee (in short, the Committee) wherein the caste status of the petitioner was found to be incorrect and improper and therefore the same was ordered to be cancelled and the services of the petitioner was to be terminated on that ground.
3. The petitioner had challenged the said order vide WPS No.3433 of 2010 challenging the order of the Committee. The said petition finally stood allowed on 27.07.2021 whereby the High Court had set aside the order of the Committee and has remitted the matter back to the Committee for a

fresh consideration of the same after permitting the petitioner to cross examine the witnesses examined by the department in accordance with law within a period of three months.

4. The contention of the review petitioner is that since the High Court after allowing WPS No.3433 of 2010 on 27.07.2021 has remitted back the matter to the Committee for a fresh adjudication of the matter, it may not be feasible as of now to open the sealed cover as the fresh finding or report of the Committee is still awaited and which would ultimately have a bearing on the very appointment of the original petitioner and therefore the present review petition has been filed.
5. Having heard the contention put forth by the counsel for the review petitioner, what is relevant to be considered at this juncture is that the original petitioner was working under the University as an Associate Professor. The petitioner was given appointment considering him to be a member of the Uraon Caste belonging to Scheduled Tribe Category. The social status of the petitioner was subjected to enquiry before the Committee which, in turn, had vide order dated 06.07.2010 held that the caste certificate of the petitioner was not proper and that he does not belong to that particular category and therefore cancelling his caste certificate and had made a recommendation for cancellation of his employment was made by the Committee.
6. The said order dated 06.07.2010 subsequently was challenged in the aforementioned WPS No.3433 of 2010 and the writ petition finally stood allowed. The impugned order dated 06.07.2010 was set aside and quashed by the High Court vide judgment dated 27.07.2021. The interference by this court was on technical ground of petitioner not being given sufficient opportunity to examine the witnesses etc and therefore the

matter was remitted back for a fresh consideration and a fresh order to be passed by the Committee.

7. Be that as it may, once when the High Court has set aside the earlier recommendation of the Committee dated 06.07.2010, the effect of quashing of the said order would be that the status of the petitioner would stand restored to what it was prior to the order dated 06.07.2010 was. The said position even holds good as of now unless a fresh order is passed by the Committee in respect of the enquiry which is still pending consideration. As long as the enquiry is pending before the Committee, there is no reason why the recommendation of the DPC which was kept in a sealed cover should not be opened. The petitioner-University can open the recommendation and can act upon it with a rider and observations somewhere that the recommendations and the order of promotions, if any, to the petitioner would be subject to the outcome of the enquiry which is pending consideration before the Committee. The original petitioner cannot be deprived of his claim for promotion and other service benefits which he would have otherwise got had the enquiry not been there and had there not been any challenge made to the social status of the original petitioner. Further, unless there is a categorical finding by the Committee it cannot be said as of now that petitioner does not belong to the particular category on the basis of the caste certificate which was obtained and produced for appointment.
8. With the aforesaid observations, the review petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge