

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6451 of 2018**

1. Raman B. Somawar S/o Late Shri Bhalchand Somawar Aged About 57 Years Presently Posted As Assistant Conservator Of Forest, Presently Attached To The Office Of Divisional Forest Officer, Raipur, Near Ghadi Chowk, Raipur, Tehsil And District Raipur, Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. High Power Certification Scrutiny Committee Through Its Secretary, Office Of Commissioner, Scheduled Tribe And Scheduled Caste Development, Block 4 -D, Ground Floor, Indravati Bhawan, Naya Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. K. Rohan, Advocate.
For State	:	Mr. Kunal Das, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.09.2021**

1. Aggrieved by the impugned order Annexure P/1 passed by the Chhattisgarh High Power Certification Scrutiny Committee dated 25/31.08.2018, the present writ petition has been filed.
2. Vide the said order, the said Committee has canceled the certificate of the social status issued by the Naib Tehsildar Bilaspur in favour of the petitioner, and has also simultaneously canceled the order passed by

the same Committee on an earlier occasion vide annexure P/4 dated 16.06.2017.

3. Counsel for the petitioner at the outset submits that the finding of the very same Committee has been held to be bad on identical factual backdrop by this Court in the case of his real brother namely Sanjay Somawar in WP(S) No. 424 of 2016 decided by this Court on 30.10.2017.
4. It is the further contention of the petitioner that the said judgment of this Court has since attained finality, for the reason that the respondents have accepted the verdict of this Court and they have implemented the order and by efflux of time, the real brother of the petitioner i.e. the petitioner in WP(S) No. 424 of 2016, has also superannuated and has received all the service benefits on the basis of the caste certificate that was issued in his favour reflecting his social status to be that of belonging to a Schedules Tribe, being a member of the "Chhatri Tribe" notified as a Scheduled Tribe under the Constitution.
5. It is the further contention of the petitioner that in addition to the order of this Court in the case of Sanjay Somawar, the petitioner's another brother namely Shrikant Somawar also had been subjected to verification by the same Committee and where there is a categorical finding by the said Committee in favour of Shrikant Somawar holding him to be a member of the Scheduled Tribe (Chhatri Tribe).
6. Counsel for the petitioner now submits that since the State Government has accepted the findings given by this Court in the case of the real

brother of the petitioner and has accepted the social status of the said brother namely Sanjay Somawar, the petitioner cannot be discriminated and be treated as a member of another tribe. Therefore, the impugned order in the instant case also deserves to be interfered with by this Court.

7. It was the further contention of the petitioner that in any case, the very same Committee in an earlier order dated 16.06.2017 (Annexure P/4) had given a finding in favour of the petitioner holding to be a member of the Scheduled Tribe (Chhatri Tribe). There was no additional material which was available with the Committee by which it could have reached to a different conclusion. Even otherwise, the findings given by the Committee in its earlier occasion has not been held to be bad by the present Committee also. The necessity for issuance of the subsequent order of the Committee arose on account of an order passed by the Division Bench of this Court in the case of **Ajit Pramod Kumar Jogi v. High Power Certification Scrutiny Committee and Anr.**, in WP(C) No. 2104 of 2017 and where the interference was made only on the competency of the authorities, not the findings being perverse or incorrect. Therefore, the second Committee could not have reappreciated the entire evidence and reached to a different conclusion without holding that the findings given at the first instance vide Annexure P/4 to be either perverse, incorrect or contrary to the evidence, then produced before the committee.
8. The State Counsel on due consideration of the submission of the petitioner and also on perusal of the pleadings and the documents

enclosed along with the petition does not dispute or oppose the fact in-respect-of the findings given by the Committee on an earlier occasion and also the finding of the Committee in-respect- of the real brother of the petitioner.

9. Given the said facts and circumstances of the case, particularly taking into consideration the findings given by this Court in identical factual backdrop in the case of the brother of the petitioner in WP(S) No. 424 of 2016 decided on 30.10.2017, the present impugned order Annexure P/1 also deserves to be and is accordingly set aside/ quashed. The petitioner as a consequence would be entitled for all consequential benefits which if otherwise have been withheld or held back by the respondents only on account of the present dispute pending before this Court.

10. The writ petition accordingly stands allowed and disposed of.

Sd/-

P. Sam Koshy
Judge

J/-