

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15678 of 2010

Tribidha Digal

....

Petitioner

Mr. Susanta Ku. Mishra, Advocate

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. Rajesh Ku. Tripathy, ASC for
opposite parties, 1, 2, 5 & 6*

*Mr. K.P. Nanda, Advocate for O.P.
Nos.3 & 4*

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
18.04.2022**

Order No.

- 07.
1. This matter is taken up through hybrid mode.
 2. In the writ petition by interim order dated 30.09.2010 passed in Misc. Case No.14704 of 2010, status quo as of 30.09.2010 was to be maintained till 10.12.2010. Subsequently, the writ petition has not been taken up.
 3. Learned counsel for the petitioner submits that as per the law laid down by the Hon'ble Supreme Court in the case of ***Kumari Madhuri Patil vs. Addl. Commissioner*** reported in ***1994 SCC (6) 241***, the allegations regarding production of fake Caste Certificate by a person to get benefit of reservation in employment in posts meant for Scheduled Castes & Scheduled Tribes has to be enquired by a properly constituted committee i.e. State Level Scrutiny Committee. Subsequently, the State of Odisha has notified the formation of State Level Scrutiny Committee (in short 'SLSC') and thereafter SLSC at the level of each

Revenue Division of the State, has been constituted and the present case comes within the jurisdiction of Revenue Divisional Commissioner, Southern Division, Berhampur. It is further submitted that during pendency of the writ petition, the petitioner has retired from service under the Urban Local Bodies i.e. Bhubaneswar Municipal Corporation (opposite party no.3) on attaining age of superannuation.

4. It is fairly submitted at the bar by the learned counsel for the parties that in view of the settled proposition of law, the matter regarding the allegations of production of fake Caste Certificate is to be taken up by the SLSC headed by the Revenue Divisional Commissioner, Southern Division, Berhampur.

5. It is submitted by the learned counsel for the petitioner that the departmental proceeding initiated by the Bhubaneswar Municipal Corporation vide letter No.13507 dated 21.05.2009 has to wait for the outcome of the determination that is to be made by the SLSC.

6. Learned counsel for opposite party no.3- Bhubaneswar Municipal Corporation as well as learned Standing Counsel also agree to the settled proposition of law that since the subject matter of the departmental proceeding is regarding production of fake Caste Certificate, the matter has to wait till determination by the appropriate committee.

7. Having heard learned counsel for the parties, the writ petition is disposed of with the following directions:-

The authorities of opposite party nos.3 and 4- Corporation shall forward the entire records of the proceeding against the petitioner i.e. subject matter of

present writ petition to the SLSC, Revenue Divisional Commissioner, Southern Division, Berhampur within a period of four weeks. The SLSC, Revenue Divisional Commissioner, Southern Division, Berhampur shall do well to take up the matter after issuing notice to all the parties as per the procedure laid down in the Hon'ble Supreme Court in the case of **Madhuri Patil (supra)** and proceed with the matter in accordance with law.

The departmental proceeding initiated by the Corporation shall not proceed any further as of now (initiated vide Letter No.13507 dated 21.05.2009) and shall await and abide by the determination by the SLSC.

Issue urgent certified copy as per rules.

Copy of the order be uploaded in the Official Website of this Court.

(M.S. Sahoo)
Judge

