

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34695 of 2021

Pramod Kumar Bindhani

....

Petitioner

Mr. S.K. Mishra, Advocate

-versus-

***Chairman, Paradip Port Trust and
others***

....

Opposite Parties

*Mr. P.K. Nanda, Advocate for the
O.P. No.1.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. S.K. Mishra, learned counsel for the petitioner as well as Mr. P.K. Nanda, learned counsel for the Paradip Port Trust.
3. The present writ petition has been filed by the petitioner challenging the show-cause notice dated 29.10.2021 and further to quash the show-cause notice under Annexure-1.
4. Mr. Mishra, learned counsel for the petitioner submits that the Paradip Port Trust authority had issued show-cause notice on the basis of a complaint with regard to the caste and he further submits that the show-cause notice issued by the authority is completely without jurisdiction as the Paradip Port Trust is not the competent authority to decide on the caste issue raised in the show-cause notice. Therefore, he submits that show-cause notice issued is without jurisdiction and the same should be quashed.

5. Mr. P.K. Nanda, learned counsel appearing for the Paradip Port Trust, on the other hand, submits that Paradip Port Trust received a complaint with regard to caste certificate of the petitioner. Therefore, such authority is under an obligation to examine the issue and accordingly, show-cause notice was issued to the petitioner giving opportunity to the petitioner to explain his case. However, the petitioner instead of submitting his explanation has reached this Court for adjudication.

6. Heard learned counsels for the parties, this Court is of the considered view that the issue relating to caste certificate or determination of caste can only be done by a Scrutiny Committee under the relevant Act and Rules. Further on the basis of the complaint, the State Government is competent to constitute a Caste Scrutiny Committee. The employer i.e. Paradip Port Trust after receiving the complaint against the petitioner should have forwarded the same to the aforesaid Committee. It is also true that the Court in exercise of writ jurisdiction under Article 226 of the Constitution of India should not act in undue haste and interfere in the show-cause notice issued by the authorities.

7. Considering the aforesaid submissions made, it is directed that the petitioner shall submit his reply to the show-cause notice within a period of four weeks from today along with a copy of this order and the same shall be considered by the Paradip Port Trust in accordance with law. Further, it is made clear that no coercive action shall be taken against the petitioner without final adjudication by the Caste Scrutiny Committee constituted by the State Government for adjudication of caste issue. It is needless to mention here that once the Caste Scrutiny Committee decides the issue finally, after hearing

the parties, such decision shall attain finality subject to the provision of appeal and revision under the relevant statute and on such final decision, the Paradip Port Trust authority may take any action in accordance with law.

8. It is also open for the parties to approach the Caste Scrutiny Committee to expedite the determination/adjudication of the caste issue relating to the petitioner. In the event the parties to this writ petition approach the Caste Scrutiny Committee along with a certified copy of this order to expedite the adjudication of the matter, the Committee shall do well to decide the same as expeditiously as possible preferably within a period of three months from today.

9. With the aforesaid direction, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

