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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2159 of 2023

Reserved on 11.09.2026

Pronounced on 03.11.2026

SHYNA AJAY
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Date: 2026.11.03 18:36:49 +0530

Anand Masih S/o Shri Ishu Prasad Masih, Aged About 59 Years, Occupation Service (IAS)- Secretary Police Accountability Authority, Raipur, District Raipur Chhattisgarh, R/o 125, Paradise Complex Colony, Borsi Bhata, Durg District - Durg Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Schedule Castes and Scheduled Tribes Development Department, Mahanadi Bhawan, Naya Raipur, Mantralaya, District Raipur Chhattisgarh.

2 - State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, Mantralaya, District - Raipur Chhattisgarh.

3 - High Power Certification Scrutiny Committee through its Member Secretary-Cum Director, Tribal and Scheduled Castes and Scheduled Tribes Development, Office at Block-4D, Ground Floor, Naya Raipur, Atal Nagar, District - Raipur Chhattisgarh

4 - Collector, Janjgir-Champa, District - Janjgir-Champa Chhattisgarh.

5 - Collector, Bilaspur, District- Bilaspur Chhattisgarh.

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	**:**	Mt. Prafull N. Bharat, Senior Advocate with Mr. Pravesh Sharma, Advocate
For Respondent/ State	**:**	Mr. R.K. Gupta, Additional Advocate General
For Intervenor	**:**	Mr. Mohd. Naqeeb and Ms. Puja Sahu, Advocates

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By way of this petition, the petitioner calls in question the legality and validity of the order dated 24.2.2023/27.2.2023 passed by the High Power Certification Scrutiny Committee, Office of the Commissioner, Tribal and Scheduled Caste Development, Chhattisgarh, Raipur (hereinafter referred to as "the Scrutiny Committee"). By the said order, the Scrutiny Committee cancelled the Caste Certificate dated 22.1.1981 issued in favour of the petitioner certifying membership in the 'Uraon' Scheduled Tribe, which had been issued by the District Organisor, for- Collector {Tribal Welfare}, Bilaspur [MP] [Now CG]). While cancelling the Caste Certificate, the Scrutiny Committee further directed that appropriate steps be initiated against the petitioner in accordance with Rule 23 (3), 23(5) and

24(1) of the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Rules, 2013 (hereinafter referred to as “the Rules of 2013”).

2. The petitioner has prayed for the following reliefs in the petition:

> *10.1 That the petitioner most humbly and respectfully prays to this Hon'ble Court to issue appropriate writ/order/direction for quashment of impugned order dated 24.2.2023/27.2.2023 contained in ANNEXURE-P/1.*
>
> *10.2 That, the petitioner most humbly and respectfully prays to this Hon'ble Court to issue appropriate writ/order/direction to hold that the caste certificate issued to the petitioner contained in ANNEXURE-P/6 as valid.*
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> *10.3 Any other relief whatsoever, this Hon'ble Court may deem fit and proper may also be granted to the petitioner.*

3. The case, as set forth by the petitioner, is that the petitioner belongs to the ‘Uraon’ Caste, a Scheduled Tribe notified under the provisions of the Constitution (Scheduled Tribes) Order, 1950, promulgated pursuant to Article 342 of the Constitution of India vide Notification dated 6.9.1950. The grandfather of the petitioner namely Baldev Prasad migrated to Bilaspur in the year 1915, whereupon he acquired a parcel of Abadi land situated in the erstwhile Champa Zamindari Estate (presently Janjgir-Champa District). Thereafter, the father of the petitioner also purchased a plot of land upon which an old residential structure was situated. Revenue proceedings were also

initiated in respect of the aforesaid properties, culminating in an order dated 29.11.1972 passed by the District Collector, wherein certain observations were recorded. The father of the petitioner namely I.S. Masih completed his education in the erstwhile State of Madhya Pradesh and served as public servant under the State Government of Madhya Pradesh. He was serving in the Department of Ayurveda, as is evident from the Service Book (Annexure P/5) maintained in respect of the father of the petitioner. Further, the Caste Certificate dated 22.1.1981 was issued in favour of the petitioner by the District Organiser, for- Collector (Tribal Welfare), Bilaspur. The Caste Certificate was issued in favour of the petitioner after conducting due inquiry and upon verification of the petitioner's ancestral background by the concerned Naib Tehsildar. Subsequently, in the year 1991, on the strength of the aforesaid Caste Certificate, the petitioner was selected for appointment to the post of Deputy Collector in the erstwhile State of Madhya Pradesh through a competitive examination. The Caste Certificate of the petitioner was verified at the time of his initial appointment and no dispute whatsoever was raised from any quarter regarding the social status of the petitioner as belonging to the Uraon Scheduled Tribe. Subsequently, upon certain complaints being lodged against the petitioner concerning his social status, his caste claim was referred for verification to the Scrutiny Committee, Chhattisgarh, Raipur. The said Committee, vide order dated

5.2.2007, held that the petitioner failed to prove that he belongs to the Uraon Scheduled Tribe and accordingly cancelled his Caste Certificate. Since the petitioner was serving as a public servant, the Committee further directed that he be removed from service, with a consequential direction to the Collector, Bilaspur to take necessary action against him in accordance with law. The petitioner challenged the said order before this Court in W.P.(S) No. 3136 of 2007, wherein, initially, an interim protection was granted in favour of the petitioner, by virtue of which he continued to hold the subject post. Subsequently, while finally disposing of the said writ petition, this Court, vide order dated 24.7.2018, upon due appreciation of the arguments advanced by the concerned parties and documents appended to the petition, remanded the matter back to the concerned authorities for fresh consideration. In doing so, this Court issued directions to the authorities to conduct a proper inquiry, observing that the inquiry hitherto conducted and the order passed pursuant thereto were in clear violation and total non-compliance of the specific directives laid down by the Hon'ble Supreme Court, inasmuch as the procedure/method of inquiry adopted by the Committee was not in accordance with law. Consequently, the order dated 05.02.2007 passed by the Committee was set-aside with consequences to follow. The State being aggrieved by the said order dated 24.07.2018 preferred a Writ Appeal bearing W.A. No. 388 of 2019, however, the said appeal was dismissed by

the Division Bench vide order dated 29.08.2019, thereby confirming the findings and directions of the learned Single Judge. While dismissing the said appeal, the Division Bench reserved liberty to the State, observing that inasmuch as there is no estoppel against law, the right of the State to proceed in the matter would not stand barred by virtue of the course and events before this Court, provided any further steps are pursued strictly in conformity with the relevant statutory provisions and the binding judicial precedents. Subsequent to the disposal of the aforesaid Writ Appeal, a fresh show cause notice dated 05.01.2021 was issued to the petitioner by the respondent authorities, referencing the orders dated 24.7.2018 and 29.08.2019 passed in W.P.(S) No. 3136 of 2007 and W.A. No. 388 of 2019 respectively. Vide the said notice, the petitioner was called upon to state whether (i) he desired a personal hearing; (ii) he sought an oral inquiry; and (iii) he wished to adduce any oral or documentary evidence in support of his social status, along with a direction that if in the affirmative, a list thereof be submitted. It was specified in the memo dated 05.01.2021 that in the event, a reply was not received within the prescribed time limit, it would be presumed that the petitioner had nothing to submit in that regard and ex-parte action would be taken against him accordingly. The petitioner duly submitted his response to the said show-cause notice, wherein he tendered a request for a personal hearing and evinced his intention to adduce oral as well as

documentary evidence in support of his defence during the course of the inquiry. Accordingly, the petitioner submitted all relevant documents to enable the Committee to examine the matter thoroughly and arrive at a just conclusion. However, to the utter shock and surprise of the petitioner, a perusal of the impugned order reveals that the respondent authorities failed to examine the matter in a proper, fair and judicious manner. The Committee completely turned a blind eye to the directions issued by the learned Single Judge and affirmed by the Division Bench of this Hon'ble Court. Ultimately, the Committee proceeded to mechanically reaffirm the very same order dated 5.2.2007 that had previously been quashed and set aside by this Court, acting in an exceedingly casual and cavalier manner. Hence, this Petition.

4. Mr. Prafull N. Bharat, learned Senior Advocate along with Mr. Pravesh Sharma, learned counsel for the petitioner, submits that the Committee failed to consider the specific directions issued by this Court vide order dated 24.07.2018 passed in WPS No.3136/2007, which was subsequently affirmed by the Division Bench vide order dated 29.08.2019 in W.A. No. 388 of 2019. Learned Senior Counsel submits that neither was the inquiry conducted in a proper and lawful manner nor was a reasonable opportunity of hearing afforded to the petitioner. The entire exercise was carried out in a mechanical and casual manner in total disregard of the principles of natural justice. He also submits that the petitioner had placed on record cogent

documentary evidence demonstrating long standing residence and landholding within the erstwhile State of Madhya Pradesh (now the State of Chhattisgarh) since the year 1915. However, the respondent authorities failed to evaluate these material documents. Furthermore, the authorities deprived the petitioner of a fair opportunity to adduce oral evidence or cross-examine the official witnesses produced during the inquiry. He also submits that the authorities failed to consider the valid Caste Certificate issued in favour of the father of the petitioner, which conclusively certifies his status as belonging to the 'Uraon' (ST) community. Learned Senior Counsel further submits that the order passed by this Court has been rendered a nullity in effect, as the respondent authorities, specifically the Scrutiny Committee, have again passed the impugned order in total disregard and contravention of the Rules of 2013 as well as the various dictums laid down by the Hon'ble Supreme Court in the matters of ***Kumari Madhuri Patil and Another Vs. Additional Commissioner, Tribal Development and Others, reported in*** **[(1994) 6 SCC 241]** and ***Director of Tribal Welfare, Government of A.P. Vs. Laveti Giri and another*** *reported in* **(1995) 4 SCC 32**. He further submits that had the respondent authorities adhered to the specific directions issued by this Court and applied the principles enunciated in ***Madhuri Patil*** **(supra)** and ***Laveti Giri*** **(supra)**, the outcome would have been entirely different. He further submits that where an order entails grave civil consequences for a citizen, the requirement to afford

an opportunity of hearing is of paramount importance and cannot be brushed aside in a casual manner. He submits that the deliberate non-compliance with the directions of this Court, coupled with the failure to adhere to the mandatory procedure prescribed in ***Madhuri Patil*** **(supra)** and ***Laveti Giri*** **(supra)** vitiates the entire proceedings and renders the impugned order illegal, arbitrary and unsustainable in law. He further submits that the initiation of fresh proceedings by the Scrutiny Committee suffers from a jurisdictional defect, rendering the entire exercise void. Under the statutory framework of the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013 (in short “the Act, 2013”), specifically Section 6, the High Power Certification Scrutiny Committee is a purely statutory body functioning within legislative limits and lacks any inherent or *suo motu* power to re-open or re-adjudicate social status claims in the absence of a valid fresh statutory reference. Hence, the impugned order is liable to be quashed

5. On the other hand, Mr. RK Gupta, learned Additional Advocate General for the State submits that the Scrutiny Committee has meticulously evaluated every single aspect and contention raised before this Court. He submits that the impugned order was passed in accordance with law after affording a full and fair opportunity of hearing to the petitioner. He contends that it was the petitioner himself who defaulted in adducing any cogent evidence in support of his claim nor did he ever seek

leave to cross-examine any official witness during the course of the inquiry. Having voluntarily failed to exercise his procedural rights during the inquiry proceedings, it is not open to the petitioner at this belated stage to plead violation of the principles of natural justice before this Court. He also submits that the scope of interference under Article 226 of the Constitution of India is not for reexamining the matter again and again. Learned counsel submits that under Section 14 of the Act of 2013, read with the settled dicta of the Hon'ble Supreme Court in ***Kumari Madhuri Patil (supra)***, ***Laveti Giri (supra)*** and ***Anand Vs Committee for Scrutiny and Verification of Tribal Claims*** reported in **(2012) 1 SCC 113**, the heavy and unshifting burden of establishing social status rests exclusively upon the applicant or certificate holder at every stage, whether issuance, verification or scrutiny and the Scrutiny Committee is under no legal duty to hunt for evidence on behalf of the claimant. He submits that a person inherits caste status strictly through paternal lineage and not from the mother, yet the petitioner who knew that his father belonged to the Satnami (SC) community while his mother was from the Uraon (ST) community deliberately withheld his three-generation family tree from the Halka Patwari as mandated under Rule 3(3)(e) of the Rules of 2013 to conceal his true paternal lineage. The petitioner utterly failed to produce any pre-cut-off (06.09.1950) documentary evidence from his ancestral native village under Rule 3(3) of the Rules of 2013

nor did he obtain a Gram Sabha resolution under Rule 3(3)(e)(XI), relying instead on post cut-off revenue records from non-native districts which carry no evidentiary value in law. Furthermore, the Scrutiny Committee acted within the procedural ambit of Sections 7 and 14 of the Act of 2013 read with Rules 19 to 23 of the Rules of 2013 and after conducting a full inquiry through the Vigilance Cell and affording a meaningful opportunity of hearing under Rule 22(2), rightly concluded that the caste certificate pertaining to the year 1981 was secured through suppression, misrepresentation and fraudulent means. As held in ***Chairman and Managing Director, Food Corporation of India v. Jagdish Balaram Bahira*** reported in **(2017) 8 SCC 670**, procuring a false social status certificate to siphon off constitutional reservation benefits constitutes a deliberate fraud on the Constitution, rendering the impugned order of cancellation wholly legal, constitutional and unassailable. He submits that the petitioner has failed to point out anything on record by which it can be inferred that he has not been afforded opportunity of hearing or the inquiry was not conducted in accordance with law and as such, the interference as sought by the petitioner cannot be ordered for. He lastly submits that the Committee has passed a detailed, well-reasoned and speaking order based on proper appreciation of the material on record, which warrants no interference by this Court in exercise of its extraordinary writ jurisdiction. Hence, the petition sans merits is liable to be

dismissed.

6. Heard learned counsel for the parties and also perused the documents annexed with the petition with utmost circumspection.

7. The following points for determination arise for consideration before this Court :

> ***Point No.I :*** *Whether the proceedings before the High Power Certification Scrutiny Committee were void for want of a fresh statutory reference under Section 6 of the Act of 2013 and whether the Committee failed to execute the binding directions of this Court (order dated 24.7.2018 passed in WPS No.3136/2007, as affirmed by the Division Bench vide order dated 29.08.2019 passed in W.A. No. 388 of 2019) upon remand?*
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> ***Point No.II:*** *Whether the petitioner was afforded a reasonable and effective opportunity of being heard in accordance with the principles of natural justice and the directions passed by this Court in the said writ petition?*
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> ***Point No. III:*** *Whether the Scrutiny Committee complied with the statutory procedure prescribed under the Act of 2013 and the Rules of 2013, particularly in light of Section 14 of the Act of 2013 regarding the burden of proof?*

Point No.I (Jurisdictional challenge under Rule 6 of the Act, 2013)

8. In the earlier round of litigation, the Committee had cancelled the Caste Certificate of the petitioner belonging to the 'Uraon' Scheduled Tribe community vide order dated 05.02.2007. Being aggrieved, the petitioner instituted W.P.(S) No. 3136 of 2007, wherein this Court, vide order dated 24.07.2018,

observed vide para 10 and 11 as under:

> *10. Now taking into consideration the aforesaid legal position as it stands in the light of the judgments of the Supreme Court if we peruse the impugned order under challenge Annexure P-1 what clearly reflects is that the impugned order Annexure P-1 has been issued on the basis of a report submitted by the Deputy Superintendent of Police, District Janjgir-Champa to the Superintendent of Police Janjgir-Champa who in turn had forwarded communication to respondent no.2 Committee. If we read the said report of the Deputy Superintendent of Police dated 29.05.2004, it clearly reflects that all that the Deputy Superintendent of Police has mentioned in his report is that the forefathers of the petitioner do not seem to be the resident of District Janjgir-Champa but were resident of Bhatapara. Apart from the said observation, the Deputy Superintendent of Police has not stated anything so far as the caste status of the petitioner is concerned or whether the father of the petitioner or forefather of the petitioner were not belonging to "Uraon" community. It further reflects from the said report that except for the fact that the petitioner and his forefathers were not resident of District Janjgir-Champa, there does not appear to be any further enquiry conducted either by the Superintendent of Police, Janjgir-Champa or by the concerned Superintendent of Police under whom Bhatapara comes. Moreover, there also does not appear to be any document in possession of the respondents which would reflect that the petitioner does not in fact belong to "Uraon" community or that he belongs to a different community. In the absence of a finding by the Caste Scrutiny Committee to the extent that the petitioner does not belong to a different community in stead of "Uraon" community which the petitioner claims, the impugned order Annexure P-1 itself may not be sustainable.*
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> *11. Moreover, what further reflects is that the directives which have been given by the Supreme Court in the case of Kumari Madhuri Patil (supra) and which further stands reiterated in the case of Laveti Giri (supra), there does not appear to be any enquiry so far as the anthropological and*

ethnological traits are concerned. If we read the directives given in the case of Kumari Madhuri Patil (supra), it would reflect that there was a specific direction given to the State Authorities as to how the enquiry and investigation has to be conducted. From a plain reading of the impugned order, there does not appear to be any such enquiry instituted or conducted by respondent no.2 except for the issuance of repeated letters to the petitioner for appearing before the Tribunal and for proving that he belongs to "Uraon" community. The very fact that the State Authorities particularly respondent no.2 has not been able to reach to a conclusion as to which community or caste the petitioner belongs which itself is a sufficient proof that the petitioner has not played any fraud with the authority while obtaining the caste certificate as early as on 22.01.1981. What also cannot be brushed aside is the fact that the certificate was issued in favour of the petitioner when the petitioner was too young an age to have played mischief or fraud for the purpose of obtaining employment.

9. After the order of remand, the respondent authorities were under a legal obligation to comply with the directions issued by this Court in W.P.(S) No. 3136 of 2007 vide order dated 24.07.2018 in letter and spirit. The State challenged the said order before the Division Bench in W.A. No. 388 of 2019, which was dismissed on 29.08.2019, thereby confirming the findings and directions of the learned Single Judge. The authorities could not under any circumstances deviate from or bypass the mandated procedure unless the said order had been set-aside or annulled by a Superior Court.

10. In the instant case, the petitioner specifically contends that the very initiation of proceedings by the Committee is *void ab initio* and without jurisdiction. Under the governing provisions of the

Act of 2013, the Committee lacks the statutory mandate to entertain or initiate proceedings *suo motu* without a valid reference from the District Level Certificates Verification Committee or the State Government. Hence, the entire exercise suffers from a fundamental jurisdictional defect that goes to the root of the matter and vitiates the proceedings at the very threshold.

11. However, this Court finds the aforesaid contention to be thoroughly misconceived and unsustainable in law. It is an undisputed fact that in the earlier round, the Committee had cancelled the Caste Certificate of the petitioner certifying him as belonging to the 'Uraon' Scheduled Tribe community, vide order dated 05.02.2007. The said order was assailed in W.P.(S) No. 3136 of 2007, wherein this Court set-aside the order dated 05.02.2007 and issued certain directions remanding the matter back for a fresh re-examination of the social status of the petitioner. Once this Court was seized of the matter and had issued an order of remand directing the Scrutiny Committee to re-scrutinize the claim, the requirement of a fresh statutory reference from the District Level Committee or the State Government under Section 6 of the Act, 2013 was rendered completely inapplicable and redundant. This being the second round of litigation, arising directly out of the order of remand passed by this Court, the threshold jurisdictional objection fails to impress this Court and is accordingly rejected. In view of the above, Point No.I is answered against the petitioner.

Point No.II (Natural Justice and Opportunity of Hearing)

12. It is undisputed that pursuant to the directions issued by the learned Single Judge vide order dated 24.07.2018 passed in W.P.(S) No. 3136 of 2007 and confirmed by the Division Bench of this Court vide order dated 29.8.2019 passed in WA No.388/2019, a show cause notice was issued by the Committee to the petitioner asking him whether he would opt for a personal hearing, participate in an oral inquiry or adduce oral or documentary evidence in support of his social status. However, despite the petitioner explicitly exercising this option, the Scrutiny Committee failed to adhere to the statutory mandate. In total disregard of the procedural safeguards, the Committee arbitrarily proceeded to cancel the petitioner's 'Uraon' Scheduled Tribe Caste Certificate and recommended consequential action under the Rules of 2013.

13. It is a settled proposition of law that where an administrative order visits a person with grave civil consequences, such as dismissal or removal from service, the principles of natural justice assume paramount importance and must be observed on a high pedestal, as any departure therefrom works severe and irreparable prejudice to the individual.

14. While remanding the matter vide order dated 24.07.2018 passed in WPS No.3136/2007, this Court had directed the respondent authorities and the Scrutiny Committee to re-examine the claim after extending a full and fair opportunity of hearing to the petitioner, including the right to adduce both oral

and documentary evidence. In light of the directions issued by this Court, the Scrutiny Committee was required to examine whether the petitioner had committed any fraud in securing the Caste Certificate on 22.01.1981. It is pertinent to note that this Court had previously observed in the order dated 24.7.2018 that since the certificate was issued when the petitioner was at a tender and impressionable age, the allegation of committing fraud to secure future employment was highly improbable at the relevant point of time.

15. A perusal of the record further reveals that despite the binding directions issued by this Court, the petitioner was denied an effective opportunity to cross-examine the adverse witnesses or lead rebuttal evidence. The impugned order cancelling the Social Status Certificate of the petitioner was passed solely on the grounds that he failed to produce pre-1950 documentary evidence establishing his membership in the 'Uraon' Scheduled Tribe community and that certain witnesses had testified against him.

16. It is a well-settled proposition of law that oral evidence relied upon by a quasi-judicial authority cannot form the basis of an adverse finding unless the affected party is extended an opportunity of cross-examination in strict adherence to the principles of natural justice. In the instant case, the witnesses who testified against the petitioner were never subjected to cross-examination, as a result whereof the veracity and

credibility of their statements remained wholly untested. Uncorroborated oral testimony which has not passed through the crucible of cross-examination cannot lawfully sustain an order visiting a citizen with severe civil consequences. Point No.II is answered in favour of the petitioner.

Point No.III (Statutory Procedure & Burden of Proof under Section 14 of the Act, 2013)

17. With the coming into force of the Act of 2013 and Rules of 2013 made thereunder, a defined statutory procedure has been established to govern caste verification proceedings. Prior to the enactment of the Act and Rules of 2013, when statutory mechanisms were absent, the field was governed by the landmark decision of the Hon'ble Supreme Court in ***Kumari Madhuri Patil (supra)***, wherein detailed guidelines were laid down directing the constitution of the Caste Scrutiny Committees and prescribing the procedure for verification of social status claims. If the procedure mandated under the applicable Act and Rules is departed from, any consequential order cancelling the Caste Certificate stands vitiated as an exercise conducted without authority of law.

18. It is the cardinal principle of statutory interpretation that where a power is given to do a certain thing in a certain way, it must be done in that way or not at all and all other modes of performance are necessarily forbidden. When the present case is evaluated in light of this settled legal position and the

governing principles enunciated by the Hon'ble Supreme Court in ***Kumari Madhuri Patil (supra)*** and ***Laveti Giri (supra)***, it becomes manifestly clear that a fair and meaningful opportunity of hearing, in compliance with due process of law, was denied to the petitioner.

19. The respondent authorities proceeded on the erroneous premise that the petitioner's claim was liable to be rejected merely because he failed to adduce pre-1950 documentary evidence. However, it is a settled canon of jurisprudence, repeatedly reaffirmed by this Court as well as the Apex Court, that the non-production of pre-1950 documents cannot, by itself, be treated as fatal when verifying a claim of social status. The Scrutiny Committee is under a statutory obligation to consider the totality of the material on record, including local inquiry reports, oral evidence, ethnological traits and affinity test results, before arriving at a lawful determination. In this context, the finding recorded by the Committee that the forefathers of the petitioner do not reside in the erstwhile Champa Zamindari Estate (presently Janjgir-Champa District) before migrating to Durg was arrived at without properly appreciating the historical revenue records, thereby rendering the impugned order perverse, arbitrary and legally unsustainable.

20. So far as the reliance on Section 14 of the Act of 2013 by learned counsel for the State is concerned, while the statutory

burden of establishing social status initially rests upon the applicant/certificate holder, Section 14 cannot be interpreted in isolation to abrogate the principles of natural justice. Section 14 is an evidentiary provision that operates dynamically. Once the claimant produces *prima facie* documentary evidence or long-standing public records, the onus shifts to the State/Vigilance Cell to rebut the same through lawful and verified material. Importantly, Section 14 does not confer unbridled power on the Committee to deny the claimant an opportunity to lead rebuttal evidence or cross-examine official witnesses. The right to discharge the burden under Section 14 inherently incorporates the right to a fair procedure. By denying the petitioner the right to adduce evidence and cross-examine adverse witnesses, the Committee effectively deprived him of the statutory means to discharge his burden under Section 14. Hence, Point No. III is answered in favour of the petitioner.

21. In view of the foregoing discussion and having regard to the material on record, this Court is of the opinion that the impugned order passed by the Scrutiny Committee cancelling the 'Uraon' Scheduled Tribe Caste Certificate of the petitioner cannot be sustained in the eye of law and is accordingly quashed.

22. The matter is remanded back once again to the respondent - the Scrutiny Committee for a fresh decision on merits. The Committee is directed to afford the petitioner a full, fair and

effective opportunity of hearing strictly in accordance with the statutory procedure envisaged under the Act of 2013, the Rules of 2013 made thereunder and the law laid down by the Hon'ble Supreme Court in ***Kumari Madhuri Patil (supra)*** and ***Laveti Giri (supra)***.

23. The Committee shall furnish copies of all inquiry reports (including the Vigilance Cell report) relied upon against the petitioner, afford him an opportunity to adduce oral and documentary evidence and extend the right to cross-examine all adverse witnesses prior to reaching any conclusion. Considering that the dispute has been pending in litigation since the year 2007, the Committee shall conclude the inquiry and pass a reasoned and speaking order in accordance with law expeditiously preferably within a period of 90 days from the date of receipt of a certified copy of this order.

24. Till the fresh adjudication is completed by the High Power Certification Scrutiny Committee, no coercive or adverse action affecting the service status, salary or retiral/pensionary benefits of the petitioner shall be taken on the basis of the quashed order.

25. Consequently, the Writ Petition is **Allowed to the extent indicated above**. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay