CGHC010342492021 2026:CGHC:45976

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5260 of 2021

1 - Chhattisgarh State Civil Supplies Corporation Limited Through Its Manager (Admin), Head Office, Chhattisgarh State Civil Supplies Corporation Limited Block 7-A, 2nd Floor Office Complex Sector 24, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh.

--- **Petitioner(s)**

versus

1 - National Commission For Schedule Caste (A Constitutional Body Set Up Under Art. 338 Of The Constitution Of India), Through Its Secretary, 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi - 110003.

2 - Shakuntala Shandey (Complainant) R/o Pajari Plant Auditorium, Government Colony, Q. No. G -09, Chakradhar Nagar, Kelo Vihar, Raigarh Chhattisgarh.

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner:- Mr. V.R. Tiwari, Senior Advocate appears along with Mr. R.L. Rajak, Advocate on behalf of Mr. Anish Tiwari, Advocate

For Respondents :- Mr. Kamlesh Patel, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

30.10.2026

1. The petitioner, by way of the present petition, has called in question the proceedings initiated by respondent No. 1 pursuant to a complaint lodged by respondent No. 2 against the petitioner-Corporation.

2. The petitioner-Corporation, by way of the present petition, has called in question the proceedings initiated by respondent No. 1, the National Commission for Scheduled Castes, pursuant to a complaint dated 01.10.2021 lodged by respondent No. 2 against the officials of the petitioner-Corporation, alleging caste-based discrimination against certain employees belonging to the Scheduled Caste community. The complaint alleges that persons belonging to the General and Other Backward Classes categories were recruited against posts reserved for the Scheduled Caste category and that three employees, who were appointed along with other employees, were denied regularisation and promotion on account of their caste. It is the case of the petitioner-Corporation that the services of the employees appointed in the year 2012 were terminated on the ground that their appointments were not against sanctioned posts, which led to litigation before this Court in WPS No. 5549/2014, dismissed vide order dated 16.08.2016; however, the Division Bench, in W.A. No. 433/2016 and connected appeals, vide judgment dated 09.11.2016, directed their reinstatement, which was affirmed by the Hon'ble

Supreme Court upon dismissal of SLP (C) No. 36115/2016. The petitioner-Corporation contends that respondent No. 1 has exceeded its jurisdiction under Article 338 of the Constitution of India by initiating proceedings in respect of issues which have already been adjudicated by this Court and affirmed by the Hon'ble Supreme Court, and has thereby sought to reopen matters concluded by judicial determination.

3. Following reliefs have been prayed in this petition:-

> *"10.1 To call for the entire records of the present case.*
> *10.2. To issue the writ of MANDAMUS or any other appropriate writ and quash the entire proceeding based on complaint of respondent no. 02 before respondent no. 01, in the interest of justice.*
> *10.3. To set aside the letters dt. 21.10.2021 (P-5) & dt. 01.12.2021 (P-7) in the interest of justice.*
> *10.4. To pass any other order as it may deem fit, in the interest of justice."*

4. Learned counsel appearing for the petitioner-Corporation submits that respondent No. 2 lodged a complaint before the National Commission for Scheduled Castes, pursuant to which respondent No. 1 initiated proceedings and issued notice to the petitioner-Corporation. The petitioner-Corporation has challenged the said proceedings on the ground that the issues raised in the complaint have already been adjudicated by this Court in WPS No. 5549/2014, and the judgment passed therein was subsequently dealt with by the Division Bench in W.A. No. 433/2016 and

connected appeals. The judgment of the Division Bench was further assailed before the Hon'ble Supreme Court, which affirmed the decision, with the modification that the back wages awarded by this Court were reduced to 25%. Learned counsel further submits that the concerned employees have already been reinstated and regularised in service and, therefore, no subsisting grievance survives for consideration in respect of the issues raised in the complaint. In such circumstances, respondent No. 1 could not have initiated proceedings on the same subject matter, which has already attained finality up to the Hon'ble Supreme Court. It is, therefore, contended that the issuance of notice and initiation of proceedings by respondent No. 1 are without jurisdiction and contrary to law.

5. At this stage, learned counsel appearing for respondent No. 2 submits that respondent No. 2 has already moved an application before the concerned Commission seeking withdrawal of the complaint lodged by her. He further submits, on instructions, that respondent No. 2 has filed an application along with a document expressing his intention not to pursue the complaint pending before the National Commission any further.

6. I have heard learned counsel appearing for the parties and perused the material available on record.

7. Having considered the facts and circumstances of the case, this Court is of the view that no further proceedings are required to be

continued pursuant to the complaint lodged by respondent No. 2. Firstly, the issues forming the subject matter of the complaint have already travelled up to the Hon'ble Supreme Court and have attained finality, and, therefore, the same cannot be reopened or adjudicated afresh by the National Commission in exercise of its jurisdiction under Article 338 of the Constitution of India. Consequently, the notice issued by respondent No. 1 initiating proceedings on the basis of such complaint is not sustainable in law. Secondly, learned counsel appearing for respondent No. 2 has submitted that respondent No. 2 has already filed an application seeking withdrawal of the complaint before the concerned Commission supported by an affidavit and has expressed her intention not to pursue the same any further.

8. In view of the aforesaid subsequent development, continuation of the proceedings would serve no useful purpose. Accordingly, the impugned notice issued by respondent No. 1 is hereby quashed.

9. The writ petition is, therefore, allowed and stands **disposed of.**

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha