
(2025) 09 CAT CK 0440

In the Central Administrative Tribunal, Jabalpur Bench (Circuit Sitting At Bilaspur)

Case No : Original Applications No. 203, 407 Of 2015, 203, 408 Of 2015

G. Girish

APPELLANT

Vs

G. Rajesh (Since Dead) Through LRs & Ors.

RESPONDENT

Date of Decision : 04-09-2025

Acts Referred:

Citation : (2025) 09 CAT CK 0440

Hon'ble Judges : Akhil Kumar Srivastava, Member (J); Mallika Arya, Member (A)

Bench : Division Bench

Advocate : Hrishabh Deo Shukla, Pankaj Singh

Final Decision : Dismissed

Judgement

Akhil Kumar Srivastava, Member (J)

1. Both applicants are real brothers and were employees of the Bhilai Steel Plant. They are aggrieved by order dated 14.07.2014, whereby their appointment has been cancelled as their caste certificates were not found to be valid. Since issue involved in both these Original Applications is identical, we propose to decide the same by way of a common order.

2. The applicants have stated that they belong to 'Vallon' caste and in the State of Kerala, the 'Vallon' community is notified as 'Scheduled Caste' in terms of Constitution (Scheduled Caste) order 1950 for State of Kerala at Sl. No.63. The 'Vallon' community of Kerala is known as 'Mahar' in the State of Chhattisgarh and Madhya Pradesh.

2.1 The then Additional Tehsildar, after verifying all documents and after making proper enquiries, had issued a Caste Certificate of 'Mahar' on 27.12.1990 certifying that the applicants belong to Scheduled Caste. Thereafter, the applicants got themselves registered in Employment Exchange on the basis of the said Caste Certificate and obtained employment in the Steel Authority of India Limited, posted at Bhilai Steel Plant, Durg on 19.08.1994. However, on the

basis of some anonymous complaints alleging that the applicants obtained employment by suppressing of their caste and produced false Caste Certificate, the applicants were issued charge memorandum dated 09.12.1999 and subsequently their appointments were cancelled vide order dated 24.06.1999 (Annexure A-6).

2.2 The applicants, thereafter, have filed a Writ Petition No.3401 of 1999 before the Hon'ble High Court of Madhya Pradesh at Jabalpur and vide order dated 18.08.1999, the Hon'ble High Court had stayed the order dated 24.06.1999. Ultimately, vide order dated 08.09.2010, the said Writ Petition was allowed with liberty to the respondents to refer the matter to the High Power Caste Scrutiny Committee (hereinafter referred to as 'Committee' for brevity) for examining the matter in accordance with law.

2.3 The applicants submit that though the matter was referred to the High Power Caste Scrutiny Committee, but the Committee, without appreciating the evidences produced before it, had cancelled the caste status of the applicants declaring that they do not belong to the members of Scheduled Caste 'Mahar'. In pursuance to the same, the General Manager, Bhilai Steel Plant, vide order dated 25.03.2014, has cancelled the appointment of the applicants, without giving any opportunity of hearing to the applicants.

3. Respondents Nos.2 & 3 have filed their reply inter alia stating that the Committee has clearly held that the social status of the applicants is not of 'Mahar' and they are not entitled to the Caste Certificate of 'Mahar'. On the basis of false Caste Certificate, the applicants had obtained employment under the reserved category. The Naib Tehsildar, which had issued Caste Certificate in favour of the applicants, is not competent authority to do so. The applicants were granted due opportunity of hearing by the Committee and there is no violation of principles of natural justice to them.

4. On 08.07.2025, when the matter was listed for final hearing, arguments of both counsel were heard and on their request, time was also allowed to file their written submission within 07 working days. However, none of the parties have filed their written submission.

5. We have perused the pleadings and the documents available on record.

6. We note that the aspect that the applicants belong to 'Mahar' caste, has already been considered and decided by the Committee and after affording reasonable opportunities to the applicant, the Committee has held that the 'Vallan' caste to which the applicants belong is not notified in presidential order as 'Scheduled Caste' for erstwhile State of M.P. (Now Chhattisgarh). Apparently, the applicants have suppressed their original caste 'Vallan' and obtained Caste Certificate from Naib Tehsildar stating that they belong to 'Mahar' Caste. The applicants' challenge to the findings of the Committee in W.P. (C) No.577 of 2015 had already been considered at length by the Hon'ble High Court of Chhattisgarh, Bilaspur and while dismissing the Writ Petition, the Hon'ble High Court has

observed as under:

12. From perusal of circular issued by the Government of India, it is apparent that the authority competent to issue caste certificate should be the one concerned with the locality in which the person applying for the certificate has his place of permanent abode at the time of notification of relevant presidential order. It further clarifies that in the case of persons born after the date of notification of the relevant Presidential Order, the place of residence for the purpose of acquiring scheduled caste or scheduled tribe status, is the place of permanent abode of their parents at the time of notification.

13. Undisputedly the permanent resident of father of petitioners is Kattumpuram House, Kizhappadathu, Nettoor, P.O. via Marodu, Nettoor, Ernakulam, State of Kerala on the date of issuance of Presidential Order 1950. Father of petitioners migrated from State of Kerala to Bhilai, earlier State of M.P. now State of C.G. in 1958 and therefore, for the purpose of acquiring the scheduled caste or scheduled tribe status, the permanent abode of petitioners would be the place of residents in State of Kerala. Whereas they obtained caste certificate from the Revenue Officer of Durg, earlier in State of M.P. now State of C.G., hence, the authority who issued certificate was not competent to issue certificate to the petitioners.

14. Another important aspect of the case is that petitioners admitted their caste to be Vallan and it is mentioned at Sr. No.63 in the presidential order of State of Kerala forming part of record showing it to be the scheduled caste. Vallan caste is not notified in presidential order to be scheduled caste for erstwhile State of M.P. (Now C.G.) as scheduled caste. Petitioners suppressing their original caste "Vallan" have submitted applications for issuance of caste certificate that they belonged to Mahar caste. Admittedly they do not belong to Mahar caste and further the authority who issued caste certificate for the petitioners, who are permanent residents of State of Kerala was not competent and therefore, there is no error in the order passed by the Committee canceling the caste certificate issued in their favour of Mahar caste. Perusal of record of the Committee would show that proper opportunity of hearing was afforded to petitioners. Show cause notices were issued and they submitted their reply and their statements were also recorded in which they have admitted their permanent place of residence and address as Kattumpuram House, Kizhappadathu, Nettoor, P.O. via Marodu, Nettoor, Ernakulam. In the aforementioned facts of the case, it cannot be said that there was violation of principles of natural justice.

15. For cancelling the caste certificate, if restricts to civil consequences then the dishonest intent is not a requirement to be proved as observed by the Hon'ble Supreme Court in case of FCI vs Jagdish, reported in (2017) 8 SCC 670. In view of above submissions of counsel for petitioners that no fraud was committed by petitioners has no leg to stand.

16. In view of above, the submission of learned counsel for petitioners that

proper procedure for verifying the caste is violated and there is violation of principle of natural justice is not acceptable and it is hereby repelled.

17. For the forging discussion made herein-above, I do not find any merit in both the petitions and accordingly they are dismissed.”

7. In the light of the order passed by the Hon’ble High Court in W.P. (C) (supra), we do not find any merit in both these Original Applications and, accordingly, both the Original Applications are dismissed. No order as to costs.