
(2018) 04 CHH CK 0150
In the Chhattisgarh High Court
Case No : WPS No. 3672 of 2008

Kripashankar Parihar And Ors.

APPELLANT

Vs

State Of Chhattisgarh And Ors.

RESPONDENT

Date of Decision : 12-04-2018

Acts Referred:

Citation : (2018) 04 CHH CK 0150

Hon'ble Judges : P. SAM KOSHY, J

Bench : Single Bench

Advocate : Anup Majumdar, B.Gopa Kumar

Final Decision : Disposed of

Judgement

1. The petitioner in the instant case was appointed as an Ayurvedic Medical Officer vide order dated 16/10/2007 against the scheduled caste vacancy.
2. The petitioner in support of her claim had produced the caste certificate dated 29/06/2006 issued by the Sub Divisional Officer, Raipur.
3. On the basis of order of appointment, the petitioner had also assumed her duties and still discharging the duties of Ayurvedic Medical Officer.
4. In between, on 25/06/2008, the petitioner was asked to get the caste certificate certified from the respondent No.2 within a period of one week failing which her appointment would stand cancelled.
5. The counsel for the petitioner submits that the petitioner had duly approached the respondent No.2 and moved an application for the certification of the caste certificate that she has. However, since the petitioner did not have the documents prior to 10/08/1950 to establish her caste, the application is still pending consideration before the respondent No.2. He further submits that, pending the petition before this Court, the State Government had

issued a circular dated 29/06/2016 wherein it has been held that for the certification of the caste certificate, the documents prior to 10/08/1950 will not be insisted upon by the High Level Caste Scrutiny Committee. However, there was a rider with the said circular which says that, in the event if, ultimately at a later stage a complaint is received by the department then it shall be the responsibility of the concerned employee to prove and establish his/her status.

6. This circular has not been disputed by the State counsel on its perusal.

7. Given the aforesaid facts and circumstances of the case particularly taking note of the fact that the above said circular has been issued subsequent to the filing of the present Writ Petition, let the case of the petitioner itself be decided by the respondent No.1 as to whether there is any further necessity continuing with Annexure-P/1 any further or not?

8. Let the petitioner produce a copy of this order before the respondent No.1 within a period of 4 weeks' from today and the respondent No.1 in turn shall take a decision on the said representation as expeditiously as possible.

9. Till the representation of the petitioner is not decided, no co-ercive steps shall be taken on the impugned order â?" Annexure-P/1 dated 25/06/2008.

10. The Writ Petition accordingly stands disposed off.