

(2019) 08 CHH CK 0174
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 6365 Of 2019

Rameshwar Singh Khurana	Vs	APPELLANT
State Of Chhattisgarh And Ors		RESPONDENT

Date of Decision : 26-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 149, 201, 302

Citation : (2019) 08 CHH CK 0174

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Ishan Verma, Ishwari Dhritlahre

Final Decision : Disposed Of

Judgement

P. Sam Koshy, J

1. Challenge in the present writ petition is to the order dated 31.07.2019 (Annexure P/1) issued by the respondent No.3 whereby the petitioner has been asked to produce permanent caste certificate or else disciplinary action would be initiated against her.

2. The counsel for the petitioner submits that initially the petitioner has got a temporary caste certificate issued by the Tehsildar, Nawagarh, District Durg (as it then was) on the basis of which she granted appointment and also regularized in service in the year, 2005. Subsequently, the services of the petitioner have also been absorbed in the Education Department vide order dated 28.08.2018. Now the respondent No.3 has issued the impugned notice to immediately produce permanent caste certificate or else disciplinary action would be initiated.

3. The counsel for the petitioner refers to a circular whereby it has been held that in the event of brother and sisters of the candidate having already got a permanent caste certificate from the competent authority/committee, then a fresh detailed investigation need not be done so far as other family members are concerned and only on account of an affidavit and proper application immediately

permanent caste certificate can be issued.

4. It appears that petitioner has not approached the concerned High Power Caste Scrutiny Committee or before the competent authority for obtaining permanent caste certificate.

5. Under the circumstances, this court is of the opinion that ends of justice would meet if the petitioner is granted 10 days time to approach the Committee/Competent Authority for obtaining permanent caste certificate based on the certificate that her brother or sister have already been issued with by the same authority. It is expected that the respondents No.3 shall grant a reasonable time to the petitioner before proceeding further on the notice that has been issued on 31.07.2019 subject to her moving an application before the concerned Committee/Authority within a period of 10 days from the date of receipt of copy of this order.

6. The writ petition accordingly stands disposed of.