

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 2799 of 2021

Khileshwar Singh Shandilya ***Versus*** State of Chhattisgarh and others

28.07.2021	Mr. Anand Dadariya, counsel for the petitioner. Mr. Siddharth Dubey, Dy. Govt. Advocate, for the State/R-1 to R-3 Mr. Vinod Deshmukh, counsel for respondent no.5. Heard on I.A.No.1 for grant of interim relief/stay. Reply has not been filed. The grievance of the petitioner is that respondent no.3 / The District Level Certificates Verification Committee without cancellation of the caste certificate has directly recommended the employer-Respondent no.5 to take appropriate action as the petitioner has failed to place any document showing that he belongs to <i>Gond</i> caste. Learned counsel for the petitioner refers to sub-section (3) of Section 6 of <i>The Chhattisgarh Scheduled Castes, Scheduled Tribes and other Backward Classes (Regulation of Social Status Certification) Act, 2013</i> (for short "the Act of 2013) and submits that that where there is <i>prima facie</i> reason to believe that the Social Status Certificate(s) have been wrongfully or fraudulently obtained, then it shall refer all information and relevant documents along-with the findings so recorded to the High Power Certification Scrutiny Committee whereas in this case the recommendation has directly been made to the employer to take action. Learned State Counsel opposes the arguments and submits that the findings have been arrived at by respondent no.3. He refers to proviso to sub-section (3) of section 6 to show that where the District Level Certificates Verification Committee arrives at an adverse finding, it shall not refer the case to High Power Certification Scrutiny Committee unless a reasonable opportunity	

R a o	of being heard is given to the person. Learned counsel for the petitioner contends that the petitioner has not been given any opportunity before such findings are communicated by respondent no.3. Having heard learned counsel for the parties, the issue needs final adjudication. Let the reply be filed by the State Counsel. List it after four weeks. It is directed that no coercive steps pursuant to the communication dated 29.06.2021 (Annexure P-2) and 30.06.2021 (Annexure P-1) shall be taken against the petitioner till the next date of hearing. Cc as per rules. Sd/- GOUTAM BHADURI JUDGE	
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