



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3404 of 2023

Shiv Kumar Dhruw S/o Shri Baba Ram Dhruw Aged About 47 Years Resident Of Village Mopka, Post Mopka, P. S. Sarkanda, District : Bilaspur, Chhattisgarh.

... **Petitioner.****versus**

1 - Union Of India Through Secretary, Ministry Of Home Affairs, North Block, New Delhi-1.

2 - Central Reserves Police Force Through Its Director General Special Sector, Directorate Block No. 1, C.G.O. Complex, Lodhi Road, New Delhi.

3 - Inspector General Special Sector Central Reserve Police Force Old Secretariat Delhi-54.

4 - Deputy Inspector General Group Centre Central Reserve Police Force Bharni, District : Bilaspur, Chhattisgarh.

5 - Sub Divisional Officer (Rev) Bilaspur, District : Bilaspur, Chhattisgarh.

6 - Appellate Authority Office Of Commandant - 155 Battalion Administrative Competent Authority Office Of Commandant 89 Central Reserve Police Force Bargam (Jammu And Kashmir).

... **Respondent(s)**

For Petitioner	:	Shri Pradeep Kumar Jogi, Advocate.
For Respondent/Union of India	:	Shri Ramakant Mishra, DSGI along with Ms. Shweta Rai, Advocate.
For State/respondent	:	Ms. Vartika Shrivastava, PL.

**Hon'ble Mr. Justice Amitendra Kishore Prasad****Order on Board****17/03/2026**

1. This Writ Petition has been filed against the order dated 22.06.2007 (Annexure P/1) passed by the Second Appellate Authority [Commandant 89 Battalion, Central Reserve Police Force, Bargam Jammu and Kashmir] which in turn arose out of the order dated 04.10.2006 (Annexure P/2) passed by the First Appellate Authority [Commandant 155 Battalion Disciplinary Authority 89 Battalion].
2. By the order dated 04.10.2006, order of 'Dismissal From Service' has been passed against the petitioner on the account that petitioner has obtained employment in CRPF on the basis of false caste certificate and by order dated 22.06.2007, the said findings were affirmed and order of 'Removal from Service' was passed.
3. Reliefs prayed by the petitioner are as follows:-
 - (i) That, this Hon'ble Court may kindly be pleased to quash impugned order dated 22.06.2007 (Annexure P-1) passed by the second appellate authority which is arising out of order dated 04.10.2006 (Annexure P-2) passed by the first appellate authority, in the interest of justice.
 - (ii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the case of the petitioner and to reinstate in his service with all consequential benefit per as similar judgment (Annexure P-5) of this Hon'ble Court,



in the interest of justice.

(iii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.

4. Necessary facts of the case are that the petitioner was initially appointed on the post of Constable in the year 1990, whereby the petitioner was appointed in C.R.P.F. The petitioner discharged his duties and obligations at the most satisfaction of his superiors and he never gave a chance of underperformance. That, the petitioner belongs to a very poor family and he is a permanent resident of village Mopka, District Bilaspur Chhattisgarh. The father of the petitioner namely Babaram Dhruw is also permanent residence of District Bilaspur, which shows that the petitioner is a permanent resident of District Bilaspur. That, the petitioner is originally a residence of village Mopka, District Bilaspur Chhattisgarh. It is not disputed that as a result of State reorganization, District Bilaspur. Earlier in the Presidential scheduled tribe order issued in the year 1950 the tribe "Gond" was recognized as scheduled tribe in District of Chhattisgarh in the State of Madhya Pradesh. After reorganization the Bilaspur was included within the territory of Union of India the caste "Gond" was recognized as a scheduled tribe also in the Union of India. It is submitted that the petitioner brought up and educated in District of Bilaspur. Subsequently he applied in response to an advertisement for selection and appointment in C.R.P.F. for the post of Sipahi/ Constable. It is not disputed that he was selected and appointed against the served vacancy on the basis of certificate of being belonging to



"Gond", which was issued by the competent authorities of the State of Madhya Pradesh / Chhattisgarh on 20.06.1995. It is relevant to mention here that according to the presidential scheduled tribe order issued in the year 1950, the tribe "Gond" was recognized as scheduled tribe. Copy of caste certificate is being filed herewith as Annexure P-3. It is also relevant to mention at this juncture that the certificate issued by the competent authority has not been declared null and void by any competent authority. The same has been filed just to show that the entire family of the petitioner is belong to scheduled tribe and the certificate was issued by the competent authority after holding due inquiry. That, it is also relevant to mention at this juncture that even on 05.07.2006, the same officer on the basis of whose memo issued the caste certificate in favour of the petitioner after holding due enquiry and the basis of the old revenue records. This fact itself shows that the petitioner belongs to a "Gond" tribe. It is submitted that at the time of the appointment, the petitioner has produced the caste certificate which was issued by the competent authority and the same have not been cancelled or there is no order in respect of the fact that the same is the forged document. It is submitted that infact the certificate was issued to the petitioner after holding due inquiry and if after issuance of the same if the entry has not been made in the register then it is not a fault of the petitioner, even the Sub Divisional Officer Bilaspur has not been stated that the certificate which was sent to him for attestation is forge one, if the petitioner is not belongs to "Gond" tribe then why the Sub Divisional Officer,



Bilaspur has granted the fresh certificate of scheduled tribe, which shows that the petitioner belongs to scheduled tribe and he has not played any fraud for obtaining the said caste certificate. The petitioner was appointed in the year 1990 and overall his conduct was so good. On 09.04.2007 a charge sheet was submitted to the petitioner and a certain charges were framed against the petitioner. It was alleged that the petitioner has secured the employment in C.R.P.F. on the basis of the fake caste certificate. It is submitted that there is no material available on record, which shows that the certificate which was produced by the petitioner at the time of the appointment was forge document. The inquiry officer only on the basis of the memo dated 01.05.2007 issued by the Sub Divisional Officer. That, on 08.05.2007, the inquiry officer 89 Battalion has directed that the petitioner to produce his reply. The petitioner has submitted his reply along with the caste certificate, Dakhila Kharij Register, Birth certificate and certificate issued by the concerned Gram panchayat, which itself shows that the land was settled in the name of the forefathers of the petitioner who were also belongs to "Gond" tribe. Copy of inquiry report is being filed herewith as Annexure P-4. That, after holding inquiry the final order has been passed and punishment of dismissal from service was awarded to the petitioner. It is submitted that the impugned order is illegal and erroneous and while passing the impugned order the Commandant 89 battalion has failed to appreciate the very fact that the memo of the Sub -Divisional Officer dated 01.05.2007 does not show that the certificate, which was produced at that



time of appointment was a forge certificate, even Sub Divisional Officer, Bilaspur has not conducted any inquiry to hold that the certificate of the petitioner is a forge document and he is not belongs to the "Gond" tribe. Even the commandant 89 Battalion while passing the impugned order has failed to appreciate the documents filed by the petitioner. A similar judgment squarely covers the present case which is passed by this Hon'ble Court in W.P.S. No. 2532/2011 decided on 27.01.2023 whereby Hon'ble Court has set-aside /quashed the impugned orders passed by the authorities. Hence this petition.

5. Learned counsel for the petitioner submits that respondent authorities as well as State authorities who have no authority to do so have scrutinized the caste of the petitioner and have passed the order removing the petitioner from the services holding that the petitioner does not belong to the 'Gond' caste, which is not in accordance with law. Thus, reliefs as prayed by the petitioner may be granted.
6. On the other hand, learned counsel for the respondents submits that the concerned Sub Divisional Officer after due verification has found that the petitioner does not belong to 'Gond' caste, therefore, impugned orders have rightly been passed by the respondent authorities.
7. I have heard learned counsel for the parties and perused the material available with the petition.
8. The Hon'ble Apex Court in the matter of **Kumari Madhuri Patil and another Vs. Addl. Commissioner, Tribal Development and others**



reported in **AIR (1994) 6 SCC 241** has held in para 13 as under:-

13. The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily have the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who falsely gained entry resort to dilatory tactics and create hurdles in completion of the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate. It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of a social status certificates, their scrutiny and their approval, which may be the following :

1. The application for grant of social status certificate shall be made to the Revenue-Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such Officer rather than at the Officer, Taluk or Mandal level.
2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the concerned Directorate.



3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer higher in rank of the Director of the concerned department, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He also should examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, daiety, rituals,



customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the concerned castes or tribes or tribal communities etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or "doubtful" or spurious or falsely or wrongly claimed, the Director concerned should issue show cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the concerned educational institution in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Addl. Secretary as Chair-person who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-a-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured



or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

8. Notice contemplated in para 6 should be issued to the parents/ guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.

9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.

10. In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.

11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under [Article 226](#) of the Constitution.

12. No suit or other proceedings before any other authority should lie.

13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In



case, as per its procedure, the writ petition/Miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under [Article 136](#).

14. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or the Parliament.

15. As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the concerned educational institution or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate for further study or continue in office in a post.

9. This Court also in a catena of decisions held that whether the caste certificate of an employee is genuine, proper or false can only be looked into by the High Level Caste Scrutiny Committee alone and not by any other authority of the State Government. That it is only on the report of the Caste Scrutiny Committee the competent authority could have initiated



further actions. This Court in the matter of **Surajnathnag Vs. State of C.G.**

& others in **2015 (5) C.G.L.J. 85** has held in paragraphs 6 & 7 as under:-

6. High Court of Chhattisgarh in a couple of decisions has reiterated the principles laid down in the case of Kumari Madhuri Patil (supra) and has held that if there is a complaint with regard to authenticity of a caste certificate issued by the competent authority, the Caste Scrutiny Committee alone is competent to determine the dispute in accordance with the procedure laid down by the Supreme Court in the case of Kumari Madhuri Patil (supra).

7. In Sudhakar Vithal Kumbhare Vs. State of Maharashtra and others reported in 2004 (9) SCC 481, the Supreme Court has, in somewhat similar circumstances, in a very categorical terms, held that in a situation where the employer doubted the social status of an employee, the employer was required to refer the dispute to the High Level Caste Scrutiny Committee constituted in terms of the judgment of Kumari Madhuri Patil (supra) and only on the basis of the report of the said Committee could the employer have taken an appropriate decision. A judgment of the Chhattisgarh High Court in this regard is in the case of Anil Prasad Vs. The State of Chhattisgarh & Ors., in Writ Petition No. 1517 of 2004 decided on 07.08.2008. A similar decision again has been taken in Writ Petition No. 1515 of 2007 in the case of Suresh Kumar Koshti Vs. The State Government of Chhattisgarh & Others, decided on 10.12.2009. Further, again in the case of Birendra Kumar Devangan Vs. State of Chhattisgarh and others in Writ Petition (C) No. 2344 of 2007 decided on 26.04.2007, this High Court followed the decision rendered in the case of Kumari Madhuri Patil (supra) and in the case of Sudhakar Vithal Kumbhare (supra) and held that if there was any



dispute with regard to caste of an employee, the matter ought to have been referred to the Caste Scrutiny Committee and before receiving a report from the Caste Scrutiny Committee, any action of the Government detrimental to the service conditions of an employee was not proper, legal and justified.

10. It is evident from the record that respondent authorities conducted the enquiry against the petitioner (Annexure R/1) that vide letter No.B-1-6/2005-SRC-89-3 dated 08.07.2005, Group Centre, Central Reserve Police Force, Bhopal asked Respondent No.5 to verify caste certificate of the petitioner bearing No.370/B-121/94-95. In response to the said letter dated 08.07.2005, Respondent No.5 issued letter dated 05.09.2005 stating the following:-

"उपरोक्त संदर्भित पत्र में शिवकुमार पिता बाबा, निवासी ग्राम मोपका, तहसील व जिला बिलासपुर का जाति प्रमाण पत्र सत्यापन हेतु प्राप्त हुआ है।

आवेदक के नाम प्रमाण पत्र में क्रमांक 370/ब-121/94-95 अंकित हैं। लेकिन इस न्यायालय की वर्ष 94-95 के दायरा पंजी में क्रमांक 253 तक ही उल्लेख है। शिवकुमार पिता बाबा का नाम दायरा पंजीमें दर्ज नहीं हैं। सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर सम्प्रेषित हैं।"

11. On the basis of verification report received from Sub-Divisional Officer, Bilaspur, it was found that the petitioner entered into CRPF by producing



fake and false caste certificate and accordingly, memorandum of charge had been issued against the petitioner which were found proved by the Enquiry Officer (Annexure P/4). Charges framed against the petitioner are as follows:-

//मद एक // यह है कि बल सं- 991350237 सि/जीडी. शिव कुमार ने 89 बटालियन के.रि.पु. बल. में स/जीडी के पदपर कार्यरत रहते हुए, के.रि.पु. बल, अधिनियम 1949 को धारा 11 (1) के अधीन बल का सदस्य होने की हैसियत से के.रि.पु. बल. में सिपाही जी.डी. पद पर भर्ती के दौरान फर्जी जाति प्रमाण पत्र के आधार पर भर्ती का व्यवहार किया है जो कि के.रि.पु. बल अधिनियम, 1949 की धारा 11 (1) के तहत दण्डनीय अपराध है।

//मद दो// यह है कि 89 बटालियन के.रि.पु. बल में तैनात बल सं. 991350237 सि./ जीडी. शिव कुमार के विरुद्ध लगाये गये आरोप की मदों का विवरण यह है कि बल सं. 991350237 सि. / जीडी. शिव कुमार के.रि.पु. बल. में सि./जीडी के पद पर अनुविभागीय अधिकारी, बिलासपुर छत्तीसगढ़ द्वारा जारी जाति प्रमाण पत्र क्रमांक 370/बी-121/94-95 दिनांक 07.07.95 के आधार पर अनुसूचित जनजाति प्रत्याशी बनकर भर्ती हुआ था। अपर पुलिस उप महानिरीक्षक, उप केन्द्र के.रि.पु. बल, भोपाल द्वारा पत्र सं. बी.एक.6/05-सेपुलि 89-3 के द्वारा उक्त कार्मिक को जाति प्रमाण पत्र उसे जारी करने वाले प्राधिकार अनुविभागीय अधिकारी,



बिलासपुर छत्तीसगढ़ को सत्यापन हेतु भेजा गया। अनुविभागीय अधिकारी, बिलासपुर छत्तीसगढ़ द्वारा अपनी सत्यापन रिपोर्ट क्रमांक 1253/अ.वि.अ./बा/05/347 बिलासपुर दिनांक 05.09.05 के तहत सूचित किया कि आवेदक के नाम प्रमाण पत्र में क्रमांक 370-व-121/94-95 अंकित है लेकिन इस न्यायालय की वर्ष 94-95 के दायरा पंजी में क्रमांक 253 तक ही उल्लेख है शिव कुमार पिता बाबा का नाम दायर पंजी में दर्ज नहीं है। उक्त सत्यापन रिपोर्ट के आलोक में बल सं. 991350237 सि./जीडी शिव कुमार द्वारा फर्जी जाति प्रमाण पत्र के आधार पर के.रि.पु. बल, में सि./जीडी. के पद पर भर्ती का व्यवहार किया है जो कि भारत सरकार द्वारा सि./जीडी. के पद पर भर्ती का व्यवहार किया है कि जो कि भारत सरकार द्वारा प्रकाशित गजट 49/93 में दिये गये प्रावधानों के अनुसार ती के.रि.पु.बल. अधिनियम 1949 की धारा 11 (1) के तहत गंभीर अपराध है।

// मद-तीन// यह है कि 89 बटालियन, के.रि.पु. बल, में कार्यरत बल सं. 991350237 सि/जीडी. शिव कुमार के.रि.पु.बल, अधिनियम 1949 की धारा 11 (1) के अंतर्गत बल का सदस्य होने की हैसियत से के.रि.पु.बल. में सि./ जीडी के पद पर फर्जी जाति प्रमाण पत्र के आधार पर अनुसूचित जनजाति प्रत्याशी बनकर भर्ती होने की दोषी बनाया गया था।



12. From the perusal of record, it appears that the authorities ascertaining the caste of the petitioner were not competent to do so and pass such an order, only Caste Scrutiny Committee after verification and after conducting enquiry as per law laid down in the matter of **Kumari Madhuri Patil (supra)** can decide the same in accordance with law, as such, impugned orders dated 22.06.2007 and 04.10.2006 which has been passed against the petitioner are hereby quashed/set aside.
13. The respondent authorities are directed to refer the matter to the appropriate Caste Scrutiny Committee and the said Committee is directed to consider the case of the petitioner and verify his caste certificate. The said Committee shall issue notice to the petitioner who shall appear before the Caste Scrutiny Committee along with relevant documents and the said Committee after due verification and following due process of law including opportunity of hearing shall pass appropriate order in accordance with law within 3 months from the appearance of the petitioner.
14. Till the said scrutiny is completed, petitioner is directed to be reinstated in service on the post entitled for.
15. However, respondent authorities after receipt of report from the Caste Scrutiny Committee shall proceed in the matter in accordance with law.
16. With the aforesaid observation/direction, this Writ Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge