



2026:CGHC:10583



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8211 of 2023

Order Reserved On 06.02.2026

Order Delivered On 28.02.2026

1 - Kishore Kumar Ninawe S/o Shri Ramesh Ninawe Aged About 45 Years R/o Ward No. 19, P.S. Lalbagh, District Rajnandgaon (Chhattisgarh)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management, Department, Mantralay, Mahanadi Bhavan, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh.

2 - General Administration Department Through Secretary, G.A.D. Mahanandi Bhawan, Mantralay, Naya Raipur, District Raipur, Chhattisgarh.

3 - Director/commissioner Land Record Indravati Bhawan, 1st Floor, Block-2, Naya Raipur, Raipur, Chhattisgarh.

4 - High Level Caste Scrutiny Committee Tribal And Schedule Caste Development Office Of Commissioner, Schedule Tribe And Schedule Caste Development, Block-4d, Ground Floor, Indravati Bhawan, Atal Nagar, Naya Raipur, Raipur, Chhattisgarh.

5 - Collector Rajnandgaon, Dist. Rajnandgaon, Chhattisgarh.

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mrs. Surya Kawalkar Dangi, Advocate



For State :- Mr. D.R. Minj, Dy. A.G.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad
CAV Order

1. The instant petition has been preferred challenging the termination order dated 14.09.2023 passed by respondent No. 3, despite the fact that the services of the petitioner had already been protected by this Hon'ble Court vide order dated 01.07.2016 passed in WPS No. 616/2016, which order stands affirmed up to the Hon'ble Apex Court.

2. The sole issue involved in the present writ petition is whether the respondent authorities are legally justified in terminating the services of the petitioner on the ground that his caste certificate is of Halba-Koshti and not Halba, despite the fact that this very issue has already attained finality up to the Hon'ble Supreme Court. Earlier, pursuant to complaints regarding caste status, the petitioner's case was examined and this Hon'ble Court in WPS No. 616/2016 by order dated 01.07.2016 granted protection to the petitioner's service while directing that he be treated as a general category employee, which order was affirmed by the Hon'ble Division Bench in WA No. 542/2016 on 14.02.2017, and further upheld by dismissal of the State's SLP by the Hon'ble Apex Court. Acting upon the said final adjudication, the petitioner continued in service and was even promoted in the general category; however, the respondents have now reopened the settled issue and terminated the petitioner's services vide order dated 14.09.2023, solely on the same ground of caste status,



without affording due opportunity of hearing. Such action is ex facie illegal, arbitrary, and without jurisdiction, being hit by the principles of finality of litigation and res judicata, and is squarely covered by the law laid down by the Hon'ble Supreme Court in Gajanan Marotrao Nimje v. RBI (2019) 12 SCC 639, which prohibits collateral disturbance of service protections already granted by final judicial orders.

3. The petitioner in the present writ petition has prayed for following reliefs:-

"10.1 That the Hon'ble Court may kindly be pleased to set aside the termination order dated dated 14.09.2023 (Annexure P/1), being as illegal and bad in law.

10.2 That the Hon'ble Court may kindly be pleased to direct the respondent authorities to comply with the directions issued in WPS no. 616/2016 (Annexure P/2) in its true letter and spirit.

10.3 That the Hon'ble Court may kindly be pleased to direct the respondent authorities to permit the petitioner to discharge his services as a general category employee, without raising any further dispute with regard to his caste.

10.4 Any other relief, which this Hon'ble Court deems, fit in the facts and circumstances may also be granted in favour of the petitioner."

4. Facts of the case are that the petitioner was appointed on the post of Patwari on 29.04.1998 in the erstwhile State of Madhya Pradesh



under the Scheduled Tribe category on the basis of a caste certificate of “Halba” issued on 01.07.1995 by the competent authority, at a time when persons belonging to Halba-Koshti were bona fide treated as Halba due to a prevailing misconception. After the Constitution Bench judgment in State of Maharashtra v. Milind (2001), which clarified that Halba-Koshti is not a Scheduled Tribe but protected appointments that had attained finality prior to 28.11.2000, the petitioner’s case, along with similarly situated employees, was examined by this Hon’ble Court in WPS No. 616/2016, wherein, by order dated 01.07.2016, the circular withdrawing service protection was quashed and the petitioner was granted service protection while being treated as a general category employee. The said order was affirmed by the Hon’ble Division Bench in WA No. 542/2016 vide order dated 14.02.2017 and further attained finality upon dismissal of the State’s SLP by the Hon’ble Supreme Court on 06.08.2018. Acting upon the said final adjudication, the petitioner continued in service and was promoted to the post of Revenue Inspector in the year 2018 in the general category. However, despite the issue of the petitioner’s caste status having been conclusively settled, the caste scrutiny committee again invalidated the petitioner’s caste certificate by order dated 04.05.2019 while expressly leaving the issue of service protection to the department. Thereafter, without issuing any proper show-cause notice, without issuing any charge-sheet, without conducting any disciplinary enquiry, and without affording any opportunity of hearing, and despite repeated representations made by the petitioner, the respondent authorities abruptly terminated the



services of the petitioner by the impugned order dated 14.09.2023 on the very same ground of Halba-Koshti caste. The impugned action amounts to reopening of a concluded issue in clear violation of the principles of natural justice, finality of litigation, and binding judicial orders passed by this Hon'ble Court, the Hon'ble Division Bench, and the Hon'ble Supreme Court.

5. Learned counsel for the petitioner submits that the present case does not call for any fresh adjudication on the caste status of the petitioner. The issue sought to be raised by the respondent authorities has already attained finality up to the Hon'ble Supreme Court. The petitioner's service stands expressly protected by binding judicial orders passed by this Hon'ble Court, affirmed by the Hon'ble Division Bench, and thereafter upheld by dismissal of the Special Leave Petition by the Hon'ble Apex Court. The impugned termination order, therefore, amounts to a clear violation of binding directions issued inter partes. Learned counsel submits that earlier, in the States of Madhya Pradesh and Maharashtra, Halba and Koshti/Halba-Koshti were treated as Halba due to a prevailing misconception. It was only after the Constitution Bench judgment in *State of Maharashtra v. Milind* [(2001) 1 SCC 4] that it was clarified that Koshti or Halba-Koshti are not Halba. However, the Hon'ble Supreme Court expressly protected admissions and appointments that had attained finality prior to 28.11.2000. Pursuant thereto, the Central Government issued a circular dated 10.08.2010 granting service protection to affected employees, and similarly, the State of Chhattisgarh also extended service protection to such



employees appointed prior to 28.11.2000. It is further submitted that when the State Government withdrew such protection by circular dated 11.01.2016, the petitioner challenged the same by filing WPS No. 616/2016. This Hon'ble Court, vide order dated 01.07.2016, quashed the withdrawal and granted service protection to the petitioner. The said order was affirmed by the Hon'ble Division Bench in WA No. 542/2016 by order dated 14.02.2017, wherein the operative findings are contained in paragraph 39. The Special Leave Petition preferred by the State was dismissed by the Hon'ble Supreme Court on 06.08.2018, thereby rendering the protection absolute and final. Learned counsel submits that despite such final adjudication, the High Level Caste Scrutiny Committee, vide order dated 04.05.2019, reiterated that the petitioner belongs to Halba-Koshti and not Halba, which was already the admitted and accepted factual position even at the time of granting judicial protection. Importantly, even the Committee left the question of service protection to the administrative department in light of government circulars and judicial directions. It is stated that the respondents have selectively relied upon a general observation to defeat a specific and binding relief granted inter partes, which is impermissible in law. It is also submitted that once the Division Bench judgment was carried to the Hon'ble Supreme Court and the Special Leave Petition was dismissed, the doctrine of res judicata squarely applies and the order of the Caste Scrutiny Committee dated 04.05.2019 does not and cannot override binding judicial orders and, in fact, acknowledges that service protection is to be governed by judicial and governmental directions.



Learned counsel further points out that pursuant to the earlier judicial orders, the petitioner continued in service and was promoted to the post of Revenue Inspector as a General Category employee, without claiming any benefit of Scheduled Tribe status. In view of the above submissions, learned counsel for the petitioner submits that the impugned termination order is contrary to binding judicial directions, suffers from gross illegality, is hit by the doctrine of res judicata and finality of litigation, and is based on a patent misinterpretation of the Division Bench judgment. It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to quash the impugned termination order and direct reinstatement of the petitioner in service as a General Category employee in terms of the binding judgments already passed. She has placed reliance upon the judgments of ***Ganjanan Marotrao Nimje vs. RBI [(2019) 12 SCC 639]*** and ***R.Unnikrishnan vs. V.K. Mahanudevan [(2014) 4 SCC 434]***.

6. Learned State Counsel submits that the present writ petition is devoid of merits and deserves to be dismissed. It is contended that the petitioner's Scheduled Tribe caste certificate of "Halba" has been cancelled by the High Level Caste Scrutiny Committee vide order dated 04.05.2019 (Annexure P/6), wherein a categorical finding has been recorded that the petitioner belongs to the Halba-Koshti community from the State of Maharashtra. Once the caste certificate itself stands invalidated and has not been challenged by the petitioner, the said order has attained finality and all consequential actions flowing therefrom are legally sustainable. It is further submitted that the Hon'ble Division



Bench, while deciding WA No. 542/2016 by judgment dated 14.02.2017, has clearly observed that the protection granted by earlier circulars cannot be extended to all and sundry. The Hon'ble Court specifically clarified that persons belonging to Halba-Koshti from the State of Maharashtra, who had shifted to the State of Madhya Pradesh, would not be treated as Halba-Koshti of Madhya Pradesh and that their caste certificates would be totally false, rendering them ineligible for any service protection. According to learned State Counsel, the petitioner squarely falls within the said excluded category and, therefore, cannot claim any benefit of service protection. The respondents, therefore, were justified in acting upon the observations made by the Hon'ble Division Bench. It is further argued that the petitioner chose not to challenge the Division Bench judgment before the Hon'ble Supreme Court. Consequently, the said observations have attained finality and the petitioner cannot now question the inevitable consequences flowing therefrom. It is also contended that the order passed by the High Level Caste Scrutiny Committee dated 04.05.2019 was passed strictly in light of the observations made by this Hon'ble Court and that the petitioner, having failed to assail the said order, is estopped from questioning the consequential termination. Learned State Counsel further submits that the representations submitted by the petitioner were duly considered in the context of the order dated 04.05.2019 and the binding judgment of the Division Bench in WA No. 542/2016. Only thereafter, and after proper appreciation of the relevant judicial directions, the impugned termination order dated 14.09.2023 was passed. The impugned order is



thus neither arbitrary nor illegal and does not suffer from any procedural infirmity. In view of the above submissions, learned State Counsel submits that no ground has been made out for interference under Article 226 of the Constitution of India. The writ petition is misconceived, devoid of merit, and is liable to be dismissed with costs.

7. I have heard learned counsel for the parties and perused the record.

8. From the perusal of the record, it is evident that on 01.07.1995 the Sub-Divisional Officer, Rajnandgaon issued a caste certificate in favour of the petitioner certifying that he belongs to the Halba community, a Scheduled Tribe. Thereafter, vide order dated 29.04.1998, the petitioner was appointed to the post of Patwari under the Scheduled Tribe category in the erstwhile State of Madhya Pradesh and has continuously served since then.

9. The Constitution Bench judgment of the Hon'ble Supreme Court in ***State of Maharashtra v. Milind (2001) 1 SCC 4***, decided on 28.11.2000, clarified that "Halba Koshti" is not included within the Scheduled Tribe "Halba". However, while rendering the said decision, the Hon'ble Supreme Court specifically protected appointments that had already been made prior to 28.11.2000, even where the candidates had availed Scheduled Tribe benefits as Halba Koshti. In furtherance of the said judgment, the Government of India issued an Office Memorandum extending service protection to employees appointed prior to 28.11.2000 whose caste was recorded as Halba, though they in fact



belonged to Koshti/Halba Koshti. Pursuant thereto, the State of Chhattisgarh also issued a circular granting identical protection to similarly situated employees affected by the ***Milind (Supra)*** decision. The State circular explicitly protected the services of persons appointed prior to 28.11.2000 on the strength of caste certificates describing them as Halba or Halba Koshti. Since the petitioner was appointed prior to the cut-off date of 28.11.2000, he squarely falls within the protected category. Therefore, the benefit of service protection flows in his favour by virtue of the Supreme Court judgment, the Government of India Office Memorandum dated 10.08.2010, and the State Government circular. Consequently, a complaint raised after a prolonged lapse of time in the year 2015 and the subsequent circular dated 11.01.2016 withdrawing earlier protection cannot override the binding protection granted by the Supreme Court. When the petitioner and other similarly situated employees challenged the withdrawal circular in WPS No. 616/2016, this Court quashed the circular dated 11.01.2016 and directed the respondents to extend service protection. The writ appeal preferred against the said order was dismissed by the Division Bench vide order dated 01.07.2016, affirming that the petitioners were entitled to continue in service, though to be treated as General Category employees from 28.11.2000 onwards.

10. In consequence of the aforesaid judicial pronouncements, the petitioner was promoted to the post of Revenue Inspector while being treated as a General Category employee for promotional purposes. The Special Leave Petition preferred against the Division Bench judgment



dated 01.07.2016 was dismissed by the Hon'ble Supreme Court on 06.08.2018, thereby giving finality to the issue.

11. In the matter of ***Milind (supra)***, the Hon'ble Supreme Court ruled that "Halba-Koshti" is not a Scheduled Tribe, invalidating claims made under that category. However, it protected past appointments and educational admissions already finalized to prevent undue hardship. The decision has since guided policies on caste and tribe verification and is often cited in cases concerning the limits of judicial review in matters of constitutional lists.

12. Also, in the matter of ***Gajanan Marotrao Nimje and others vs. Reserve Bank of India and others*** reported in **(2019) 12 SCC 639** wherein despite being given service protection to employees affected with the dispute of Halba and Halba/Koshti, their services were terminated, the Hon'ble Supreme Court held that:-

"8. We are afraid, in the peculiar background of the appellants and the history of the previous litigation of the same issue, the High Court is not justified in passing such an omnibus order. There is no case for anybody, leave alone the writ petitioners that at the time of entry in service, the appellants played any fraud. There was no case that the petitioners therein had played any fraud in obtaining the certificate or employment. In any case the appellants, it is pointed out that, even assuming that they do not belong to Scheduled Caste or Scheduled Tribe, fall either under the Most Backward or



under the Backward Category, who were also entitled to some reservation at the time of recruitment. In order to avoid any litigation on this aspect only, the High Court in its wisdom passed the judgment dated 1-11-2012, that all the petitioners therein will be put in the general category.

9. It will be relevant to note that the common judgment dated 1-11-2012 was challenged before this Court and the special leave petition(s) and the review petition(s) were also dismissed.

10. Having regard to the background, as above, we are of the view that the appellants are entitled to the protection granted by the same High Court in the judgment dated 1-11-2012."

13. Further, an identical situation has arisen in the matter of **R. Unnikrishnan vs., V.K. Mahanudevan** reported in **2014 4 SCC 434**, wherein once the employee was granted service protection, his caste status was reopened, the Hon'ble Supreme Court held that:-

"12. Two distinct questions fall for determination in these appeals. The first is whether the appellants could have reopened for examination the caste status of the respondent V.K. Mahanudevan no matter that judgment of the High Court in OP No. 9216 of 1986 had declared him to be a "Thandan" belonging to a Scheduled Caste community. The High Court has, as seen above, taken the



*view that its judgment and order in OP No. 9216 of 1986 effectively settled the question regarding the caste status of the respondent which could not be reopened as the said judgment had attained finality. The second and the only other question that would arise for determination is whether the respondent V.K. Mahanudevan can claim protection against ouster from service and, if so, what is the effect of the change in law relevant to the caste status of the respondent. We propose to deal with the two questions ad seriatim.¹⁹ It is trite that law favours finality to binding judicial decisions pronounced by courts that are competent to deal with the subject matter. Public interest is against individuals being vexed twice over with the same kind of litigation. The binding character of the judgments pronounced by the courts of competent jurisdiction has always been treated as an essential part of the rule of law which is the basis of the administration of justice in this country. We may gainfully refer to the decision of the Constitution Bench of this Court in *Daryao v. State of U.P.* (AIR 1961 SC 1457] where the Court succinctly summed up the law in the following words: (AIR p. 1462, paras 9 & 11)*

"9.... It is in the interest of the public at large that a finality should attach to the binding decisions pronounced by courts of competent jurisdiction, and it is also in the public interest that individuals should



not be vexed twice over with the same kind of litigation.

11. The binding character of judgments pronounced by courts of competent jurisdiction is itself an essential part of the rule of law, and the rule of law obviously is the basis of the administration of justice on which the Constitution lays so much emphasis."

26. It is only because the Full Bench of the Kerala High Court held that anthropological study conducted by KIRTADS may not provide a sound basis for holding Thandans, like the respondent, as those belonging to the Scheduled Caste category that the issue regarding the correctness of the certificate and a fresh investigation into the matter surfaced for consideration. Even if one were to assume that the conclusion drawn by KIRTADS was not for any reason completely accurate and reliable, the same would not have in the absence of any other material to show that such conclusion and enquiry was a complete farce based on wholly irrelevant or inadmissible material and motivated by extraneous considerations by itself provided a basis for unsettling what stood settled by the order passed by the High Court. Suffice it to say that the contention urged on behalf of the appellants that the order passed by the High Court in OP No. 9216 of 1986 was a nullity on



the ground of fraud has not impressed us in the facts and circumstances of the case.

27. The upshot of the above discussion, therefore, is that the order passed by the High Court in OP No. 9216 of 1986 which had attained finality did not permit a fresh enquiry into the caste status of the writ petitioner. Inasmuch as the High Court quashed the said proceedings and the order passed by the State Government pursuant thereto, it committed no error to warrant interference."

14. From the above legal position and the law laid down by the Hon'ble Supreme Court in **State of Maharashtra v. Milind**, along with the memorandum issued by the Government of India and the State circular dated 01.10.2011, it is clear that employees appointed prior to 28.11.2000 on the basis of Halba/Halba Koshti caste certificates are entitled to protection of their services. This protection is based on binding judicial directions and cannot be taken away by later administrative action. Therefore, even though the Caste Scrutiny Committee later held that the petitioner belongs to Halba Koshti and invalidated the caste certificate, such a finding cannot affect the petitioner's service. At most, it can affect future benefits under the reserved category, but it cannot cancel the protection already granted by the Hon'ble Supreme Court and implemented by the Government. The petitioner's service is therefore legally protected.

15. In view of this settled position of law, the impugned order dated 14.09.2023 (Annexure P/1), by which the petitioner's services were



terminated, is not sustainable. The termination order goes against binding court judgments and reopens an issue that has already been finally decided. Once the courts have granted protection and the matter has attained finality, the authorities cannot pass an order in violation of those directions. The impugned action is based on an incorrect understanding of the earlier Division Bench judgment and ignores the protection granted by the Hon'ble Supreme Court. Therefore, the termination order deserves to be quashed.

16. As a result, the petitioner is entitled to reinstatement in service with continuity. However, in accordance with earlier Court directions, the petitioner shall be treated as a General Category employee from 28.11.2000 onwards for future service purposes. He shall not be entitled to take benefit of Halba tribe. The respondents are directed to restore the petitioner to service and grant all consequential benefits in accordance with law, preferably within a period **eight weeks** from the date of production of copy of this order.

17. Accordingly, the writ petition is **allowed** to the extent indicated hereinabove.

18. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha