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**IN THE HON'BLE HIGH COURT OF CHHATTISGARH**  
**AT BILASPUR**

**W.P. (S) 5861 /2011**

**PETITIONER**

✓ Hetram Baiga S/o Ram Khilawn  
Baiga aged about 35 years, Cast  
Baiga Working as Shiksha Karmi  
Grade - 3 Primary School Sivni  
R/o village Podi Tah- Sipat  
Dist. Bilaspur C.G.

**VERSUSE**

**RESPONDENTS**

- ✓ 1. State of Chhatishgarh through :-  
The Secretary Department of Panchayat  
& Rural Development , Mantralay,  
D.K.S. , Bhawan , Raipur C.G.
- ✓ 2. The Cast Scrutiny Committee , Pandit  
Ravishankar Vishvavidyalaya Parisar  
Raipur , Distt. Raipur C.G.
- ✓ 3. The Chief Executive Officer ,  
Janpad Panchayat Marwahi ,  
Distt. Bilaspur C.G.

P.R. No. 5942/2012  
Presented by Surjit Kumar  
dated 16/9/2012

**WRIT PETITION UNDER SECTION 226 OF THE**  
**CONSTITUTION OF INDIA**

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30/9/11

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S) no. 5861/11 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><b>SB : Hon'ble Shri Manindra Mohan Shrivastava, J.</b> <b>30-09-2011</b></p> <p>Shri Amit Kumar, counsel for the petitioner.</p> <p>Shri Praveen Das, Deputy Government Advocate for the State/respondents 1 and 2 on advance copy.</p> <p>This petition has been filed by the petitioner commanding respondent No.2 to verify certificate without insisting him to produce land records including <i>Missal</i> <i>Bandobast</i> of last 50 years. The petitioner has also prayed to issue suitable certification commanding respondent No.3, not to initiate any adverse action affecting services of the petitioner till verification of the caste certificate.</p> <p>From the pleadings and the documents annexed in the writ petition, it is found that the petitioner was appointed vide order dated 22/2/09 (Annexure P/1) and there was a condition incorporated in the order that the petitioner has submitted provisional caste certificate and he is required to submit permanent caste certificate. Later on, a memo has been issued to the petitioner on 8/2/2011 requiring the petitioner to submit permanent caste certificate failing which the appointment of the petitioner would be cancelled.</p> <p>Learned counsel for the petitioner submits that in view of the conditions incorporated in the appointment order, the petitioner applied for <i>Missal Bandobast</i> records on 23/2/2010 in the office of the Collector, Bilaspur but till date, he has not received any document. He further submits that as the Caste Scrutiny Committee has been insisting him for production of <i>Missal Bandobast</i> records in the matter of scrutiny of caste status, the petitioner is unable to proceed further in the matter and therefore, non-production of the caste certificate is beyond the control of the petitioner in the present stage.</p>	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक 60 P(5) no. 5861/11 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>On the other hand, learned State counsel submits that from the averments made in the petition, there is no document filed by the petitioner to show that the petitioner has approached the Caste Scrutiny Committee for verification of his caste certificate.</p> <p>The petitioner holds a provisional caste certificate showing him belonging to Baiga Community of Scheduled Tribe. The petitioner was required to submit permanent caste certificate. The petitioner has made averment in the petition that he had applied for <i>Missal Bandobast</i> records from the office of the Collector on 23/2/2010, which was not received and when he received memo dated 8/2/2011 (Annexure P/3), he approached the respondent No.2 for verification of his caste certificate.</p> <p>It appears at this stage that the petitioner has not submitted any application in writing that the <i>Missal Bandobast</i> records, as applied for, have not been received. Therefore, in these circumstances, this petition is disposed off with a direction to the petitioner to approach the High Power Caste Scrutiny Committee within 15 days from the date of receipt of copy of this order and in turn, the High Power Caste Scrutiny Committee shall issue requisite form to the petitioner which would be submitted by him within a period of one month and thereafter, the Committee shall examine the matter and pass appropriate orders in accordance with law, as early as possible, preferably within a period of six months.</p> <p>Till six months, no coercive steps against the petitioner, in the matter of his appointment shall be taken by any of the respondents.</p> <p>In case, the grievance of the petitioner is not redressed, he would be at liberty to take recourse to such remedy as may be available to him under the law.</p>	

Deepti

Sd/-  
Manindra Mohan Shrivastava  
Judge