

ITEM NO.14

COURT NO.4 SECTION IV-A
(HEARING THROUGH VIDEO CONFERENCING)S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.9960/2020

(Arising out of impugned final judgment and order dated 01-06-2020 in WPS No.2162/2020 passed by the High Court Of Chhatisgarh At Bilaspur)

SANTOSH KUMAR BHASKAR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R.; IA No.81335/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.81334/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.81333/2020 - FOR EXEMPTION FROM FILING O.T.)

Date : 30-09-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHATFor Petitioner(s) Mr. Amit Kumar Pathak, AOR
Mr. Yash Kotak, Adv.For Respondent(s) Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Ms. Aakanksha Kaul, Adv.
Mohammed Akhil, Adv.
Mr. Rupesh Kumar, Adv.
Mr. Raj Bahadur, AOR

Mr. Maninder Singh, ASG
Mr. Rupesh Kumar, AOR
Mr. Rajeev Sharma, Adv.
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.
Mr. Alekshendra Sharma, Adv.UPON hearing the counsel the Court made the following
O R D E R

The question whether the petitioner belongs to the Scheduled Caste "MAHAR" was subject matter of consideration by the High Power

Certification Scrutiny Committee. By order dated 25.01.2020, the Committee cancelled the Caste Certificate issued to the petitioner and directed the authorities to take appropriate steps in terms of the provisions of the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013 and the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Rules, 2013.

The decision rendered by the Committee is presently under challenge in Writ Petition No.842 of 2020 preferred by the petitioner. Said Writ Petition came up for consideration before a Single Judge of the High Court on 05.03.2020 when the following order was passed:

"The petition is admitted for hearing.

Since all the respondents are represented by their respective advocates, issuance of notice to them stands dispensed with.

Let reply be filed at the earliest and the matter be listed immediately thereafter.

Heard on I.A. No.01/2020 for grant of stay.

Considering the inquiry report submitted by the Research Assistant under the Chhattisgarh State High Power Certificate Scrutiny Committee Annexure P-5 dated 28.02.2019, this Court is of the opinion that *prima facie* a strong case for grant of interim relief has been made out.

Accordingly, there shall be further stay of the effect and operation of the impugned order Annexure P-1 dated 25.01.2020 until further orders.

Counsel appearing for the respondent no.2 submits that pursuant to Annexure P-1 dated 25.01.2020, the services of the petitioner have already been terminated whereby the appointment order has been cancelled vide order dated 04.03.2020.

This Court is not expressing any opinion on the order passed by the respondent no.2 so far as the cancellation of the appointment part is concerned."

As the order discloses, the appointment of the petitioner was terminated vide communication dated 04.03.2020 and submissions in that behalf were advanced before the Single Judge. The last sentence in the order shows that the Single Judge chose not to express any opinion insofar as the cancellation of the appointment of the petitioner was concerned.

In the circumstances, the order presently under appeal passed by the Division Bench in WPS No.2162 of 2020 calls for no interference.

We however request the High Court to dispose of the pending challenge in the form of Writ Petition (Civil) No.842 of 2020 within two months from the receipt of the copy of this order.

With the aforesaid observations, this Special Leave Petition is disposed of.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER