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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2041 of 2022

1 - Rahul Chandra S/o Kailash Chandra Aged About 29 Years R/o A-5, C.K. Awas, Ashok Nagar Chowk, Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.

2 - Diksha Chandra, D/o Kailash Chandra Aged About 28 Years R/o A-5, C.K. Awas, Ashok Nagar Chowk, Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Schedule Tribe Development, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh.

2 - District Level Caste Scrutiny Committee, Through Its Member Secretary-Cum-Assistant Commissioner, Tribal Development Bilaspur Chhattisgarh.

3 - Additional Commissioner (Revenues) Bilaspur Division, Bilaspur Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Shri Ayush Sao appears on behalf of Shri Mateen Siddiqui, Advocates.
For State/Res	:	Shri Shobhit Mishra, Dy GA.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

28/04/2026

1. This Writ Petition has been filed for the following reliefs:-

10.1 The Hon'ble Court may kindly be pleased to quash the impugned order dated 31.01.2022 (Annexure P/1) passed by impugned order dated 31.01.2022 passed by the court of learned Additional Commissioner, Bilaspur Division, Bilaspur, Chhattisgarh in an Appeal Case No.47/B-121/2020-21;

10.2 That, Hon'ble Court may kindly be pleased to quash the order dated 13.04.2021 (Annexure P/2) issued by Member Secretary,



District Level Caste Scrutiny Committee, Bilaspur.

10.3 That, the kindly direct the respondent District Level Caste Scrutiny Committee, Bilaspur to verification of the caste certificate of the petitioners without insisting to produce the land records prior to the year 1950.

10.4 That, the Hon'ble Court may kindly be pleased to grant any other relief which this Hon'ble Court deems fit and proper in favour of the petitioners as per the facts & circumstance of the present case, in the interest of justice.

2. Learned counsel for the petitioners submits that the Petitioner No.1 was born on 22.08.1993 and Petitioner No.2 on 27.07.1994 at Bilaspur Chhattisgarh and are a permanent resident of the State of Chhattisgarh. Father of the petitioners was appointed to work as Assistant Grade-III under the Schedule Tribe quota in the office of Chief Engineer Hasdeo Basin, Water Resources Department, Bilaspur (MP) now CG since the year 1989. The petitioners belong to "Gond" caste, which comes under Schedule Tribes category in the State of Chhattisgarh. A permanent caste certificate has been issued by the Sub-Divisional Officer, Bilaspur dated 02.07.2011. The domicile certificate of the petitioners were duly issued by the Tahsildar, Bilaspur. The respondent authorities are ignoring the validity of the domicile certificate issued to the petitioners and bypassing the fact that the petitioners have always been permanent residents of Chhattisgarh, labelling the origin of the petitioners in the State of Madhya Pradesh based on the fact that at some point in time, the forefathers of the petitioners resided in the state of Madhya Pradesh.
3. Learned counsel for the petitioners submits that the petitioners submitted an application under the Chhattisgarh Schedule Caste, Schedule Tribes and Other Backward Classes (Regulation of Social Status Certificate) Rule 2013, before the District Level Caste Scrutiny Committee for verification of their caste



certificate and produced all relevant documents/records before the committee.

But after elapse of seven months, the respondent District Level Caste Scrutiny Committee has not taken any decision on the application submitted by the petitioners, therefore, their right to participate in the competitive examination and to claim the benefit given to them on the basis of their caste is defeated.

4. Learned counsel for the petitioners submits that during the pendency of the said application, the petitioners approached this Court in WPC No.1977 of 2021 and this Court vide order dated 07.04.2021 disposed of the Writ Petition directing the District Level Certificates Verification Committee to conclude the proceedings of issuance of caste certificate within a period of two months from the date of receipt of copy of that order.
5. Learned counsel for the petitioners submits that thereafter Member Secretary, District Level Caste Scrutiny Committee has issued order dated 13.04.2021 stating that there is no possibility to execute the verification of the caste certificate of the petitioners on the basis of records of other State as father and forefathers of the petitioners are permanent residents of Bhopal Madhya Pradesh. Being aggrieved by the said order, the petitioners filed an appeal before the Additional Commissioner Bilaspur Division Bilaspur who vide impugned order dated 31.01.2022 confirmed the order dated 13.04.2021.
6. At this stage, learned counsel for the petitioners submits that there is mechanism available under the Chhattisgarh Scheduled Castes, Scheduled Tribes & Other Backward Classes (Regulation of Social Status Certification) Rules, 2013 (hereinafter referred as Rules 2013) enacted by the State Government under which the certificate has to be issued to the petitioners. He further submits that there are circular of the State Government which says that for the purpose of



issuance of certificate, the requirement of document prior to 1950 would not be necessary. The further contention of the petitioners is that the respondent authorities can any time enquire, so far as the caste status of the petitioners is concerned, keeping in view the provisions of Rule 2013 as envisaged above.

7. Learned counsel for the petitioners submits that this Court in **WPC No. 2102 of 2020 (Kiran Mesharm vs. State of Chhattisgarh and another)** on 29.09.2020 has observed as under:-

5. Given the aforesaid facts of the case, particularly taking note of the provisions of Rules 2013, this Court is of the opinion that ends of justice would meet, if the petitioner is directed to approach the Respondent No. 2 again and submit her Inability Certificate if she does not have the documents prior to 1950 and at the same time the petitioner would also produce records that she has in her possession to establish her caste status. The Respondent No. 02 thereafter shall conduct an enquiry as per the provisions envisaged in Rules 2013 and take an expeditious decision on the application of the petitioner, preferably within a period of 4 months from the date of receipt of copy of this Order.

8. Learned State counsel would not dispute the aforesaid proposition.
9. Considering the facts situation of the case as also the mechanism provided under the Rules, 2013, this Court deems it appropriate to direct the petitioners to appear before the District Level Caste Scrutiny Committee by filing appropriate application and submit Inability Certificate if they do not have the documents prior to 1950 and at the same time, the petitioners would also produce records that they have in their possession to establish their caste status. In turn, the District Level Caste Scrutiny Committee shall verify the claim of the petitioners and shall pass appropriate order bearing in mind the observations as held by



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various Courts that only the records prior to 1950 are not essential to verify caste certificate, within a period of 60 days from the date of receipt of such application.

10. With the aforesaid observation/direction, this Writ Petition is disposed of.

11. In the result, impugned order dated 31.01.2022 (Annexure P/1) and order dated 13.04.2021 (Annexure P/2) are set aside/quashed.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash