

## Basant Kumar Dhurwe Vs State Of Madhya Pradesh And Ors

**Court:** Chhattisgarh High Court

**Date of Decision:** Sept. 25, 2018

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** Y.C. Sharma, S.P. Kale, Arvind Dubey

**Final Decision:** Disposed Of

### Judgement

P. Sam Koshy, J

1. The limited grievance which the petitioner has raised in the present writ petition is that the petitioner has been wrongly projected by the respondents

as a candidate belonging to reserved Scheduled Caste category, whereas, in fact, the petitioner belongs to Scheduled Tribes category.

2. According to the petitioner, he was appointed on 1.9.1980 as Scheduled Caste candidate on the post of Non Medical Assistant and in due course of

time when promotion orders were issued to the next higher post of Supervisor on 17.9.1998, the petitioner has been left out projecting him as a

Scheduled Caste category and juniors to the petitioner in the Scheduled Tribes category had been granted promotion.

3. This being the factual matrix of the case which is undisputed by the respondents as well, the only aspect which needs consideration by the

respondents is, as to what actually was the category to which the petitioner was initially granted appointment.

4. This Court therefore does not intend to keep the writ petition pending any further nor does it require any further adjudication except for disposing of

the writ petition with a direction to respondent no.3, Director, Health Services, State of Chhattisgarh, to verify the service record of the petitioner and

to ensure that in the event if the petitioner originally was appointed as a Scheduled Tribes category, the petitioner's seniority and promotion to that

extent be protected ensuring that the petitioner is granted promotion from the date his immediate juniors have been granted promotion as Scheduled

Tribes category.

5. Let this exercise be concluded within a period of 3 months from the date of receipt of certified copy of this order.

6. The writ petition stands disposed of accordingly.