

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 7442 OF 2021

Rushikesh Bharat Garud

...Appellant

Versus

The State of Maharashtra and others

...Respondents

JUDGMENT

M.R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 29.06.2021 passed by the High Court of Judicature at Bombay in Writ Petition No. 11536 of 2021, by which the High Court has dismissed the said writ petition preferred by the appellant herein in which the appellant herein challenged the order passed by Scheduled Tribe Certificate Scrutiny Committee, Nashik (for short, 'Scrutiny Committee'), invalidating the caste certificate issued to the appellant, the original writ petitioner has preferred the present appeal.

2. We have heard Mr. Uday B. Dube, learned Advocate appearing for the appellant and Mr. Sachin Patil, learned Advocate appearing for the State of Maharashtra and the Scrutiny Committee.

3. From the impugned judgment and order passed by the High Court, it appears that before the High Court the appellant heavily relied upon the validity certificates issued to his father Bharat Nagu Garud dated 14.01.2005 as well as to his cousins – Nilima Rohidas Garud dated 9.9.2005; Pravin Rohidas Garud dated 9.9.2005; Priyanka Rohidas Garud dated 20.09.2005; Rohidas Nago Garud dated 25.05.2011; and Ramdas Nagu Garud dated 07.12.2012. The aforesaid was also the case of the appellant herein before the Scrutiny Committee. However, the Scrutiny Committee while not accepting the above submission observed that when the appellant's father's caste claim was considered, 35 contradictory entries were not placed before the Scrutiny Committee. Neither were the original validity certificates relied upon by the appellant produced nor the genealogy. The Scrutiny Committee made identical observations regarding other validity certificates to the effect that the adverse entries were not placed on record. However, the fact remains that at the relevant time those caste certificates were not cancelled by the Scrutiny Committee.

4. Be that as it may. Now, it is the case on behalf of the appellant that the cases of the father of the appellant and his cousins have been re-opened and show cause notices have been issued to show cause why their caste certificates be not cancelled. Therefore, the validity of the caste certificates in favour of the father of the appellant and in favour of his cousins is at large before the Security Committee. Therefore, it will be appropriate if the cases of all, namely, father of the appellant, cousins of the appellant and the appellant herein be considered together, to avoid any conflicting orders.

5. In view of the above and without expressing anything on the validity of the caste certificate issued in favour of the appellant, we set aside the impugned judgment and order passed by the High Court and remand the matter to the Scrutiny Committee to consider the validity of the caste certificate issued in favour of the appellant afresh along with the cases of his father and his cousins, namely, Bharat Nagu Garud, Nilima Rohidas Garud, Pravin Rohidas Garud, Priyanka Rohidas Garud, Rohidas Nago Garud and Ramdas Nagu Garud. The Scrutiny Committee to pass fresh order/s in accordance with law and on its own merits and on the basis of the material available on record and/or that may be produced and pass a speaking order at the earliest, preferably within a period of three months from today.

6. At the cost of repetition, it is observed that this Court has not gone into the merits of the case at all and has not observed anything on the validity of the caste certificate issued in favour of the appellant.

7. The present appeal is accordingly allowed to the aforesaid extent. However, in the facts and circumstances of the case, there shall be no order as to costs.

.....J.
[M.R. SHAH]

NEW DELHI;
DECEMBER 10, 2021.

.....J.
[B.V. NAGARATHNA]