

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7127 OF 2008

NIRAJ Appellant(s)
:VERSUS:
STATE OF MAHARASHTRA AND ORS. Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Appellant feeling aggrieved and dissatisfied with the order dated 21.2.2006 passed by the Division Bench of the High Court of Judicature at Bombay, Bench at Aurangabad, in W.P. No.86/2005, is before us challenging the same.

During the pendency of the matter before this Court, on account of certain developments that have taken place, appellant has filed an interlocutory application for taking additional documents on record. The said documents are: Certificates of Validity, issued by the Scheduled Tribe Scrutiny Committee in favour of the appellant's father Wadikar Maroti Rukmaji showing him belonging to "Mahadev Koli" - a notified Scheduled Tribe.

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Similarly, there is yet another certificate issued in favour of the appellant's real brother.

The appellant has not been found to be belonging to the Scheduled Tribe: "Mahadev Koli" by The Committee for Scrutiny & Verification of Tribe Claim, Aurangabad, on the strength of various documents which were available with the said Committee.

It has not been disputed before us that the appellant had secured admission in Engineering College on the strength of the certificate issued by the Scheduled Tribe Certificate Scrutiny Committee and has completed his course in Computer Science during the pendency of the present appeal.

In the light of the certificates, issued in favour of the appellant's father and brother, describing them as belonging to Scheduled Tribe category: "Mahadev Koli", it is inconceivable to believe that the appellant is not belonging to the said caste.

But learned counsel appearing on behalf of the respondents has vehemently opposed it and submitted that it would be in the fitness of things, if matter is remitted to The Committee for Scrutiny & Verification of
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Tribe Claim, Aurangabad, for fresh decision on merits in the light of the aforesaid documents and in accordance with law. We accordingly do so as the suggestion made by him is reasonable and appropriate.

Keeping in mind that the matter is old and pertains to the career of the appellant, it is desirable that it should be heard and disposed of in accordance with law at an early date by the Committee.

Parties agree that they would appear before the said Committee on 7th July, 2010 and would participate in further proceedings. The said Committee would endeavour to record its findings at an early date and preferably within a period of two months from the date of communication of this order.

With the aforesaid direction, this appeal stands

finally disposed of.

.....J
(DEEPAK VERMA)

.....J
(K.S. RADHAKRISHNAN)

New Delhi;
June 11, 2010.

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ITEM NO.104

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 7127 OF 2008

NIRAJ Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

Date: 11/06/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
(VACATION BENCH)

For Appellant(s) Mr. Shivaji M. Jadhav,Adv.
Mr. Nitin Kumar Gupta,Adv.

For Respondent(s) Mr. Venkat Subramanian T.R.,Adv.
Mr. Sanjay Kharde,Adv.
Ms. Asha Gopalan Nair,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard the learned counsel for the parties.
The matter is remitted to The Committee for
Scrutiny & Verification of Tribe Claim, Aurangabad, for
fresh decision on merits and the appeal is finally
disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(SAVITA SAINANI)
COURT MASTER

(Signed order is placed on the file)