

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(s). 1177 OF 2004

ASHOK Appellant (s)

VERSUS

WORKS MANAGER, CENTRAL WORKSHOP, MSRTC Respondent(s)

(With office report)

Date: 31/08/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s) Mr. Satyapal Khushal Chand Pasi,Adv.

For Respondent(s) Mr. R.S.Hegde, Adv.

Ms. Savitri Pandey, Adv.

Mr. P.P. Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order.

(Shashi Sareen)
garwal)

Court Master

(Vijay Ag

Court Ma

ster

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1177 OF 2004

ASHOK
Appellant(s)

...

Versus

WORKS MANAGER, CENTRAL WORKSHOP, MSRTC
Respondent(s)

...

O R D E R

A Division Bench of the Bombay High Court dismissed the writ petition

filed by the appellant primarily on the ground that his caste claim was found to be

invalidated. The appellant pleaded that though the post to which he was

appointed may have been meant for schedule tribe candidate, he was not

appointed as a schedule tribe candidate. Learned counsel for the respondent

submitted that the application form to which reference has been made in the

counter affidavit clearly indicates that the appellant claimed to be appointed

on the post reserved for schedule tribe. It appears that the writ petition was

dismissed at the admission stage. Since adequate material was not placed to

substantiate the rival stands before the High Court, it would be appropriate for

the High Court

to examine the matter afresh and give the respondent an opportunity to place

materials in support of its stand that the appellant was appointed to a post meant for schedule tribe. We make it clear that we have not expressed any opinion on the merits of the case. The High Court shall grant adequate opportunity to the parties to place materials in support of their respective stand and shall decide the matter afresh.

The appeal is disposed of. No costs.

.....J.

(ARIJIT PASAYAT)

.....J.

(H.K.SEMA)

New Delhi,

August 31, 2005.