

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6285 OF 2009
(Arising out of SLP(C) No. 2558/2006)

STATE OF MAHARASHTRA AND ANR.

... APPELLANT(S)

:VERSUS:

VIJAY PANDITRAO VISALE AND ANR.

... RESPONDENT(S)

O R D E R

Leave granted.

We have heard the learned counsel for the parties quite at length.

This appeal is directed against the judgment and order dated 8.8.2003 passed by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur, in Writ petition No. 1455 of 2003.

The short controversy which arises for consideration in this case is whether Respondent No.1 Vijay Panditrao Visale belongs to "Thakur" (Scheduled

Tribe) or not. In our considered view, there has to be a comprehensive inquiry by the Caste Scrutiny Committee (for short "the Committee"). The Committee must take into consideration entire documentary evidence, oral evidence, ethnic linkages and affinity test and arrive at a definite conclusion as to whether the respondent belongs to the category of "Thakur" (Scheduled Tribe).

We direct that the Caste Scrutiny Committee shall carry out this exercise independently without being influenced by any observation made in the impugned judgment of the High Court. The Committee may permit parties to adduce additional evidence.

The matter is remitted to the Caste Scrutiny Committee and the appeal is disposed of accordingly, leaving the parties to bear their own costs.

To avoid further delay, we would request the parties to appear before the Caste Scrutiny Committee on 26.10.2009 and the Caste Scrutiny Committee shall make all endeavour to dispose of this case as expeditiously as possible.

Respondent No.1, who is stated to be working with the Dena Bank, shall continue on his post until the matter is finally determined and decided.

.....J
(DALVEER BHANDARI)

.....J
(Dr. B.S. CHAUHAN)

NEW DELHI,
SEPTEMBER 15, 2009.



JUDGMENT