

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2024
(@ SLP (C) NO. 15632 OF 2021)

SUREKHA BALJORSINGH THAKUR

...Appellant(s)

Vs.

CASTE SCRUTINY COMMITTEE & ANR.

...Respondent(s)

O R D E R

1. Leave granted.

2. This Civil Appeal by way of Special Leave Petition arises out of the judgment of the High Court of judicature at Bombay, Nagpur Bench in Writ Petition No. 7559 of 2017 dated 02.12.2019.

3. The short facts necessary for disposal of this appeal relate to the validity of a caste certificate dated 20.07.1982. Based on the caste certificate appellant secured appointment as a teacher. Subsequently the said caste certificate came to be questioned and this led to the constitution of a Committee which called for a Vigilance Report as it was found that the dates were unregistered and also that the death certificate of the father had no caste

mentioned.

4. In the meanwhile, the appellant superannuated from service. Ultimately the Committee passed final order dated 25.07.2017 annulling the caste certificate and her claim for pensionary benefits was also rejected.

5. Questioning the legality of the above referred order, the appellant filed a Writ Petition before the High Court which came to be dismissed by the order impugned before us.

6. Ms. Kiran Suri, learned senior counsel appearing for the appellant relied on the decision of this Court in *Food Corporation of India vs. Jagdish Balaram Bahira* reported in (2017) 8 SCC 670 where the Court has categorically held as under:

“69.3. The decisions of this Court in *R. Vishwanatha Pillai* [R. Vishwanatha Pillai Vs. State of Kerala; (2004) 2 SCC 105] and in *Dattatray* [Union of India Vs. Dattatray; (2008) 4 SCC 612] which were rendered by benches of three Judges laid down the principle of law that where a benefit is secured by an individual – such as an appointment to a post or admission to an educational institution – on the basis that the candidate belongs to a reserved category for which the benefit is reserved, the invalidation of the caste or tribe claim upon verification would result in the appointment or, as the case may be, the admission being rendered void or non est.

69.4. The exception to the above doctrine was in those cases where this Court exercised its power under Article 142 of the Constitution to render complete justice;”

7. The Constitution Bench affirmed that admissions or appointments made on the basis of false caste certificate

would be rendered void and *non est*. It was also clarified that the only exception for grant of some kind of benefit would be to exercise power under Article 142 of the Constitution of India. In fact, in exercise of such power, in that very judgment, i.e. Food Corporation of India (*supra*), relief was granted to the individuals referred to in paragraph 71 of the judgment. In yet another decision i.e. *R. Sundaram vs. Tamil Nadu State Level Scrutiny Committee* reported in 2023 SCC Online SC 287, the benefit was extended to the individual though his caste certificate came to be annulled.

8. Having considered the facts and circumstances of the case and having noted that the appellant joined service in 1992 and continued to serve till the date of superannuation in 2017, we consider it appropriate to ensure that the appellant is not denied the retiral benefits. We make it clear that the annulled caste certificate cannot be utilized for any purpose whatsoever, either by the appellant or her family members. This order is passed in exercise of power under Article 142 and we direct that the appellant shall be entitled to the pensionary benefits in view of the fact that she rendered service from 1992 to 2017, when she superannuated.

9. In view of the above, we allow the appeal to the extent indicated hereinabove and set aside the order of the High Court dated 02.12.2019. We also set aside the Committee's Order dated 25.07.2017 denying pensionary benefits. The appellant will be entitled to the pensionary benefits, which

shall be processed within a period of six months from the date of this order.

10. Pending application(s), if any, stand disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ARAVIND KUMAR]

NEW DELHI;
APRIL 01, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15632/2021

(Arising out of impugned final judgment and order dated 02-12-2019 in WP No. 7559/2017 passed by the High Court Of Judicature At Bombay At Nagpur)

SUREKHA BALJORSINGH THAKUR

Petitioner(s)

VERSUS

CASTE SCRUTINY COMMITTEE & ANR.

Respondent(s)

IA No. 126291/2021 - EXEMPTION FROM FILING O.T.

Date : 01-04-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Ms. Kiran Suri, Sr. Adv.
Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. S.K. Pandey, Adv.
Mr. Awanish Kumar, Adv.
Mr. Anshul Rai, Adv.
Mr. Abhinav Garg, Adv.
M/S. Dharmaprabhas Law Associates, AOR

For Respondent(s) Mr. Abhikalp Pratap Singh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mrs. Preet S. Phanse, Adv.
Ms. Aagam Kaur, Adv.
Mr. Ravi Shankar Pandey, Adv.

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

Leave granted.

The Appeal is allowed in terms of the Signed Order which is placed on the file.

Pending application(s), if any, stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)