

SUPREME COURT OF INDIA

Shantidevi Kamaleshkumar Yadav

Vs

State of Maharashtra

C.A.No.5243 of 2008

(Dalveer Bhandari and Harjit Singh Bedi JJ.)

26.08.2008

JUDGMENT

Dalveer Bhandari, J.

1. Leave granted.
2. The appellant is aggrieved by the judgment of the High Court of Judicature at Bombay dated 14.10.2005 delivered in Civil Writ Petition No. 9231 of 2003.
3. The main grievance which has been highlighted by the learned counsel for the appellant is regarding non-observance of the principles of natural justice. The appellant submitted that hearing of the case was closed for orders before the Caste Scrutiny Committee on 29.9.2003. Thereafter, without notice to the appellant, Caste Certificate Register was called on 28.10.2003 and representatives from the Office of the Tehsildar were called on 7.11.2003. This approach of the Caste Scrutiny Committee is clearly violative of the basic principles of natural justice.
4. According to the appellant, this grievance was clearly articulated before the Division Bench of the High Court, but it did not deal with this aspect of the matter, therefore, in the interest of justice the matter should be remanded to the Caste Scrutiny Committee for deciding the matter afresh after hearing the counsel for the parties.
5. This Court after hearing the learned counsel for the appellant issued notice limited to the question as to whether the matter be remanded or not.
6. We have heard learned counsel for the parties at length and carefully perused the documents on record. In the impugned judgment, there is no discussion regarding the main grievance of the appellant why the Caste Certificate Register was called for inspection on 28.10.2003 and the statement of the representative from the Office of the Tehsildar, Bombay City was recorded on 7.11.2003 after the conclusion of the hearing.

7. We have heard learned counsel for the respondents at length but he could not give any satisfactory reply why the caste register was called for inspection and the statements of the representatives of the Office of the Tehsildar, Bombay were recorded after the conclusion of the hearing without any notice to the appellant.

8. In consonance with the principles of natural justice, equity, good conscience and fairness, we are compelled to set aside the impugned judgments of the High Court and the Caste Scrutiny Committee.

9. Consequently, we remit the matter to the Caste Scrutiny Committee to decide the case afresh after hearing the learned counsel for the parties. The Caste Scrutiny Committee must ensure that no hearing or deliberation takes place after the conclusion of hearing without notice to the appellant.

10. The matter has been pending for several years, therefore, we request the Caste Scrutiny Committee to dispose of this case as expeditiously as possible. No further directions are necessary. This appeal is accordingly disposed of. No costs.