

SUPREME COURT OF INDIA

Sau.Jayashri Bhaskar Gosavi

Vs.

Vishwanath Krishnath Panke & Ors.

C.A.No.3896-3897 of 2016

(Kurian Joseph and R.K.Agrawal,JJ.,)

12.04.2016

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.29633-29634 of 2015

1. Leave granted.
2. The dispute raised in these cases essentially pertains to a claim by the appellant that she belongs to the Scheduled Tribe community named, 'Hindu Gosavi'. There is no dispute that her husband belonged to Hindu Gosavi Scheduled Tribe. The allegation was that, on the basis of the caste status of her husband, the appellant had procured a certificate to the effect that she belonged to the Scheduled Tribe community namely, Hindu Gosavi.
3. There cannot be any dispute that a wife cannot claim the tribal status of her husband. The tribal status should be based on one's independent roots.
4. The Caste Scrutiny Committee, namely, Regional Caste Certificate Verification Committee No. 1 for SC, ST, VJNT, OBC and SBC, Solapur (in short, "the Committee") in the State of Maharashtra, by order dated 22.08.2014, cancelled the certificate originally granted to the appellant on 24.10.2002 to the effect that she belonged to the Hindu Gosavi Tribal community.
5. The order dated 22.08.2014 was challenged before the High Court unsuccessfully and thus, the appellant is before this Court.
6. Inviting reference to the family tree produced before us along with additional documents and also the orders passed by the Committee in the case of the children of the appellant's real brother and orders dated 21.11.2013 and 03.01.2014 and various other certificates of the members of the family, it is submitted that the appellant is also entitled to claim the same tribal status.

7. The learned counsel for the respondent-State, inviting reference to the case of "*Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar & Ors.*" reported in¹ submits that merely because another Committee has granted a particular Scheduled Tribe status to other members of the family, it cannot be held that the person aggrieved by denial of the same status be given the same treatment. It is submitted that it could be possible that those certificates could have been issued wrongly.

8. We have no quarrel with the settled proposition of law. But the question here is whether all these relevant aspects have been considered by the Committee.

9. On going through the impugned orders passed by the the High Court and the Committee, we find that the contentions advanced by the appellant have not been considered by the Committee. Therefore, in the interest of justice, we feel it appropriate to grant an opportunity to the appellant to approach the Committee afresh by filing additional documents and producing evidence.

10. The appeals are, hence, disposed of with a direction to the Committee that in the event of the appellant approaching the Committee within a period of two months from today by filing additional documents and requesting for adducing evidence thereof, the Committee shall consider the request made by the appellant and thereafter, shall pass appropriate orders in the matter expeditiously.

11. We make it clear that neither the impugned Judgment nor the orders already passed by the Committee shall stand in the way of the Committee considering the matter afresh, as above.

12. No costs.

Judgment Referred.

¹(2008) 9 SCC 0054