

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2597 OF 2013
[@ SLP (Civil) No.9462 of 2013]

NAIDABANO PATHAN W/O FEROKHAN PATHAN Appellant(s)

VERSUS

SAU ANITA W/O GANESH CHOPDE & ORS. Respondent(s)

O R D E R

1. Having heard learned counsel for the parties, we see no reason to keep this matter pending, since it can be disposed of even at this stage, having regard to the facts involved.

2. Leave granted.

3. The appellant has questioned the order of the High Court in writ petition No.3914 of 2012, filed by the respondent No.1 herein, challenging the decision of the Caste Scrutiny Committee in holding that the appellant was a member of the 'Momin' caste which is recognised as a 'Other Backward Class' (O.B.C.). The High Court has set aside the finding only on the ground that the Committee had not given reasons for arriving at a decision to accept and confirm the findings of the Scrutiny Committee regarding the appellant's status.

4. Having seen the Caste Validity Certificate, as issued on 17th January, 2012, we are inclined to agree with the High Court that some reason ought to have been given, before endorsing the views expressed by the Scrutiny Committee. Accordingly, we are not inclined to interfere with the order of remand, as passed by the High Court.

5. We, however, make it clear that the Divisional Caste Scrutiny Committee, constituted for the Aurangabad Region, shall consider the matter and pass a reasoned order after hearing the parties.

6. Needless to say, all points urged in these proceedings are kept open for submission before the said Committee.

7. This Order will not prevent or affect the functioning of the appellant in the Zila Parishad, until a decision is arrived at by the aforesaid Committee. 8. The appeal is disposed of in the above terms.

9. There will be no orders as to costs.

(ALTAMAS KABIR)

.....CJI.

.....J
(ANIL R. DAVE)

.....J
(RANJANA PRAKASH DESAI)

NEW DELHI;
March 18, 2013.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9462/2013

(From the judgement and order dated 07/01/2013 in WP No.3914/2012 of The
HIGH COURT OF BOMBAY AT AURANGABAD)

NAIDABANO PATHAN W/O FEROKHAN PATHAN Petitioner(s)

VERSUS

SAU ANITA W/O GANESH CHOPDE & ORS. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
Judgment,exemption from filing O.T. and with prayer for interim relief and
office report))

Date: 18/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr. Shekhar Naphade, Sr. Adv.
Mr. Atul B.Dakh, Adv.
Dr. Kailash Chand, AOR

For Respondent(s) Mr. Sudhanshu S.Choudhari, AOR
UPON hearing counsel the Court made the following
O R D E R
Leave granted.
The appeal is disposed of in terms of the signed Order.
There will be no orders as to costs.

|(Sheetal Dhingra) | |(Juginder Kaur) |
|Court Master | |Assistant Registrar |

[Signed order is placed on the file]