

| ITEM NO.104

COURT NO.6

SECTION XIA

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

CIVIL APPEAL NO(s). 2343 OF 2006

STATE OF KERALA

Appellant (s)

VERSUS

M.L. SAJEEV & ORS.

Respondent(s)

(With office report)

Date: 13/07/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. P.V. Dinesh,Adv.

For Respondent(s) Mr. M.K.S.Menon, Adv.
Mr. V.S.Robin, Adv.for
Mr. Jogy Scaria,Adv.

Mr. Ravindra Kumar ,Adv

Mr. Darpan K.M, Adv.for
Mr. Naveen R. Nath ,Adv

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

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2343 OF 2006

State of Kerala

..Appellant

versus

M.L.Sajeev & Others

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order of the Kerala High Court dated 14th August, 2003 passed in MFA No. 544 of 2003.

The dispute in this case is about the caste of respondent Nos. 1 & 2 herein.

The Scrutiny Committee found that both mother and father of the respondent Nos. 1 & 2 did not belong to scheduled caste.

The High Court in an appeal under Section 12 (3) of the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Communication Certificates Act, 1996 (for short 'the Act') held that respondent Nos. 1 & 2 belong to the scheduled caste because their mother belongs to the scheduled caste.

In our opinion, if the High Court was not agreeable with the view of the Scrutiny Committee on the ground that some relevant material was not taken into consideration or some irrelevant material was taken into consideration, the High Court should have remanded the matter to the Scrutiny
CIVIL APPEAL NO.2343 OF 2006

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Committee for a fresh decision but the High Court should not have itself taken a contrary view.

Consequently, this appeal is allowed, the impugned judgment of the High Court is set aside and the matter is remanded to the Scrutiny Committee for a fresh decision in accordance with law after taking into consideration all the relevant material. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JULY 13, 2011

.....J.
[CHANDRAMAULI KR. PRASAD]