

ITEM NO.5

COURT NO.2

SECTION III

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

Civil Appeal No(s). 2502/2022

MAH.ADIWASI THAKUR JAMAT SWARAKSHAN SAMITI

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA &amp; ORS.

Respondent(s)

( [ONLY I.A.NO.164724/2023 IN C.A.NO.2532/2022, I.A.NO.164720/2023  
IN C.A.NO.2531/2022 AND I.A.NO.164707/2023 IN C.A.NO.2513/2022 ARE  
LISTED UNDER THIS ITEM] )

WITH

C.A. No. 2532/2022 (III)  
(FOR FORMAL DISPOSAL ON IA 164724/2023

C.A. No. 2513/2022 (III)  
(FOR FORMAL DISPOSAL ON IA 164707/2023

C.A. No. 2531/2022 (III)  
(FOR FORMAL DISPOSAL ON IA 164720/2023

Date : 03-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Appellant(s)      Mr. Ashutosh Bhardwaj, Adv.  
                                 Mr. Ashish Pandey, Adv.  
                                 Mr. Prateek Rai, Adv.  
                                 Mr. Mukesh Kumar, Adv.  
                                 Mr. Akash, Adv.  
                                 Mr. Amlan Kumar Ghosh, AOR

                                 Mr. Gagan Sanghi, Adv.  
                                 Mr. Chander Shekhar Ashri, AOR

For Respondent(s)    Mr. Ravindra Keshavrao Adsure, Adv.  
                                 Mr. Siddharth Dharmadhikari, Adv.  
                                 Mr. Aaditya Aniruddha Pande, AOR  
                                 Mr. Bharat Bagla, Adv.  
                                 Mr. Sourav Singh, Adv.  
                                 Mr. Aditya Krishna, Adv.

Mr. Shubham Seth, Adv.  
Mr. Anuj Panwar, Adv.  
Mr. Nikilesh Ramachandran, AOR

Mr. J. N. Singh, Adv.  
Mr. Abhishek Singh, Adv.  
Mr. Saurabh Mishra, AOR

Mr. Pratik R. Bombarde, AOR  
Mr. Gopal Balwant Sathe, AOR

Mr. Nitin Meshram, Adv.  
Mr. Ranbir Singh Yadav, AOR

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

IA NO. 164724/2023 IN C.A. NO. 2532/2022  
IA NO. 164707/2023 IN C.A. NO. 2513/2022  
IA NO. 164720/2023 IN C.A. NO. 2531/2022

Issue notice.

Learned counsel for the non-applicants accepts  
notice.

There seems to be a divergence of views in  
pursuance to the judgment of this Court in the case  
of *Kumari Madhuri Patil and Another vs. Addl.  
Commissioner, Tribal Development & Ors. (1994) 6 SCC  
241.*

It is the submission of the learned counsel for  
the applicants that the civil appeals pending before  
this Court can be disposed of in terms of the  
aforesaid judgment while learned counsel for the  
respondents submits that each case will have to be

taken up on a factual matrix.

We *prima facie* find it doubtful whether this Court would be the fact finding Court as is sought to be suggested by the respondents. The question is whether the appeals be remitted to the High Court or the appeals be remitted to the Screening Committee itself.

Be that as it may, we would like to hear the learned counsel for parties limited to the aforesaid issued.

List on 31.10.2023.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)