

ITEM NO.8

COURT NO.2

SECTION IVA

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).12617/2011

(From the judgement and order dated 14/02/2011 in
of The HIGH COURT OF M.P AT GWALIOR)

WA No. 108/2011

KOMAL PRASHAD SHAKYA

Petitioner(s)

VERSUS

STATE OF M.P. & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 11/07/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Anuj Bhandari, Adv.
Ms. Ruchi Kohli, Adv.

For Respondent(s)

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

Despite service of notice none of the
respondents is present when this matter is taken up.

The Special Leave Petition is directed
against the judgment and order dated 14th February,
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2011, passed by the Gwalior Bench of the Madhya
Pradesh, in Writ Appeal No.108 of 2011, whereby the
writ appeal was disposed of with the observation
that the Caste Scrutiny Committee should dispose of
the validity of the caste certificate of th
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respondent No.5 as early as possible, but preferably within a period of one year, as ordered by the learned Single Judge.

Briefly stated, the facts before the learned Single Judge state that the time taken by the Caste Scrutiny Committee in deciding the application which had been filed by the petitioner herein. The learned Single Judge, as indicated above, directed the said Committee to dispose of the matter within a year and the Division Bench endorsed the finding of the learned Single Judge and merely extended the time period for completing the inquiry by one year, without giving any reason.

This matter relates to the election to the Guna constituency of the Vidhan Sabha elections held in 2008. Since then, the Caste Scrutiny Committee has not been able to dispose of the objection of the petitioner for determining the caste of the respondent No.5.

Almost three years have elapsed since then

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election was conducted.

In our view, the matter before the Caste Scrutiny Committee should be disposed of as quickly as possible, having regard to the views expressed by this Court in the case of Kumari Madhuri Patil & Anr. Vs. Addl. Commissioner, Tribal Development & Ors., [1994 (6) SCC 241].

We, accordingly, dispose of the Special Leave Petition with a direction upon the Caste Scrutiny Committee concerned to dispose of the application

relating to the determination of the caste of the
respondent No.5 within two months from the date of
communication of this order.

There will be no orders as to costs.

(Sheetal Dhingra)
Court Master

(Juginder Kaur)
Assistant Registrar