

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(S). 4628/2006

SHAIKH MOHD. YUSUF
MOHD. YAKUB . . . APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA
& ORS. . . RESPONDENT(S)

ORDER

1. We have heard the learned counsels for the parties.

2. The appellant claims to be a member of the Shikalgar community and a original resident of Satara. He secured a caste certificate from the Sub-Divisional Officer on 31st December, 2001 and on that basis he contested the election to the Municipal Council of Satara from the reserved constituency for the schedule tribes and succeeded therein. The Caste Scrutiny

Committee cancelled the caste certificate issued by the Sub-Divisional Officer giving rise to the writ proceeding out of which this appeal has arisen.

3. The materials on record indicate that the appellant had filed an affidavit in Suit No.851 of 2000 before the Small Causes Court, Bombay stating that he has been a resident of Bombay since 1942. Learned counsel for the appellant denies the said fact and categorically asserts that no such affidavit had been filed. If that is correct, the proper remedy for the remedy would have been to move the High Court seeking review of the order.

4. Be that as it may, there is yet another aspect of the matter. In the School Leaving Certificate issued by Mohamadiva High School, Bombay the date of

birth of the appellant is shown 15th June, 1948 and the place of birth is Bombay. It is also mentioned therein that the appellant had his education also at Bombay. These facts belie the statement in the caste certificate that he has been a resident of Satara for last 15 years. These are the facts that were taken into account by the Caste Scrutiny Committee in cancelling the Caste Certificate issued to the appellant by the Sub-Divisional Officer on 31st December, 2001.

5. If on a consideration of the above, the High Court took the view that there is no reliable material to prove that the appellant belongs to the Shikalgar community which is a nomadic tribe and, therefore, the Scrutiny Committee was justified in cancelling the caste certificate we do not see how any infirmity

can be found in the aforesaid conclusion so as to justify any interference in this appeal. We, therefore, dismiss the appeal and affirm the order of the High Court under challenge.

.....,CJI.
(RANJAN GOGOI)

.....,J.
(SANJAY KISHAN KAUL)

.....,J.
(K.M. JOSEPH)

NEW DELHI
OCTOBER 10, 2018

ITEM NO.107

COURT NO.1

SECTION IX

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). 4628/2006

SHAIKH MOHD. YUSUF MOHD. YAKUB

APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA & ORS.

RESPONDENT(S)

Date : 10-10-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. Ashok Mathur, AOR

For Respondent(s)

Mr. Atul Yeshwant Chitale, Sr. Adv.
Mrs. Suchitra Atul Chitale, AOR
Ms. Shivangi Khanna, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the signed
order.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

ASSISTANT REGISTRAR

[SIGNED ORDER IS PLACED ON THE FILE]