

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).30755/2008

(From the judgement and order dated 25/11/2008 in WP No. 4098/2006
of The HIGH COURT OF BOMBAY AT NAGPUR)

PRAKASH PRABHAKAR PARATE Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for
interim relief and office report)
(For final disposal)

Date: 12/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. Uday U. Lalit, Sr.Adv.
Mr. Manish Pitale, adv.
Mr. Wasi Haider, adv.
Mr. Chander Shekhar Ashri,Adv.

For Respondent(s)

Mr. Shankar Chillarge, adv.
For Ms. Asha Gopalan Nair,Adv.

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

Leave granted.

This appeal is allowed in terms of the signed
order.

The order of status quo shall continue until the
writ petition is heard and disposed of by the High Court.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2356 OF 2010
(Arising out of S.L.P.(C) No.30755 of 2008)

PRAKASH PRABHAKAR PARATE Appellant(s)

Versus

STATE OF MAHARASHTRA & ORS. Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

This appeal by special leave is directed against the final judgment and order dated 25.11.2008 passed by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Writ Petition No.4098 of 2006 whereby the High Court has erroneously dismissed the Writ Petition.

The appellant herein filed the writ petition challenging the legality and propriety of the decision taken by the scrutiny committee rejecting his claim that he belong to scheduled tribe Halba/Halbi.

It is

the case of the appellant that he produced voluminous documentary evidence right from the year 1912 onwards pertaining to his great grand father, grand father and father as also his ancestors from his mother's side in

...2/-

-2-

order to establish his claim that he belongs to aforesaid tribe.

The case set up by the appellant in the writ petition was that the scrutiny committee without considering those documents rejected the claim of the appellant merely relying on one document of

1951. The appellant also contended in the Writ Petition that the findings so recorded by the scrutiny committee were perverse.

The High Court, in a very brief order, dismissed the writ petition without assigning any reasons whatsoever. The High Court did not even advert

to basic relevant facts for an effective disposal of the writ petition.

The rejection of the appellant's request by the screening committee is fraught with serious consequence so far as the appellant is

concerned. In matters of this nature, the High Court, in our considered opinion, ought to have considered the legality, correctness and propriety of the order passed by the screening committee.

Instead the High Court summarily rejected the Writ Petition without assigning any reason whatsoever.

For the aforesaid reasons, we find it difficult to sustain the order passed by the High Court dismissing the appellant's writ petition. The impugned judgment of the High Court is, accordingly, set aside

-3-

...3/-

and the matter is remitted for fresh consideration in accordance with law after providing opportunity of being heard to all the parties.

It is needless to observe that we have not expressed any opinion whatsoever on the merits of the case.

This appeal is accordingly allowed.

No orders as to costs.

The order of status quo shall continue until the writ petition is heard and disposed of by the High Court. We request the High Court to dispose of the writ petition as expeditiously as possible.

.....J.
(B.SUDERSHAN REDDY)

.....J.
(SURINDER SINGH NIJJAR)

New Delhi,
March 12, 2010