

7ITEM NO.1

COURT NO.11

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 24894/2009

(Arising out of impugned final judgment and order dated 07-05-2009 in WP No. 9659/2007 passed by the High Court of Judicature at Bombay)

MAH.ADIWASI THAKUR JAMAT SWARAKSHAN SAMITI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 102452/2021 - EXEMPTION FROM FILING O.T., IA No. 113198/2021 - INTERVENTION APPLICATION, IA No. 113183/2021 - INTERVENTION APPLICATION, IA No. 102451/2021 - INTERVENTION/IMPLEADMENT, IA No. 125711/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 124300/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 119680/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES, IA No. 111443/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, I.A. NO.119682/2021 = APPLICATION FOR EXEMPTION FROM FILING O.T., I.A. NO.116636/2021 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS, I.A. NO.116637/2021 - FOR EXEMPTION FROM FILING O.T., I.A. NO.124303/2021 - APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

WITH

SLP(C) No. 28699/2018 (IX)

SLP(C) No. 26937/2018 (IX)

(I.A. 119275/2021 - APPLICATION FOR SUBSTITUTION, I.A. NO.119276/2021 - FOR CONDONATION OF DELAY, I.A. NO.119280/2021 - FOR SETTING ASIDE ABATEMENT)

SLP(C) No. 26846/2018 (IX)

SLP(C) No. 26949/2018 (IX)

SLP(C) No. 26270/2018 (IX)

SLP(C) No. 26231/2018 (IX)

(IA No. 138894/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 469/2018 (IX)

(IA No. 2991/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 3141/2018 - EXEMPTION FROM FILING O.T., IA No. 2994/2018 - EXEMPTION FROM FILING O.T., IA No. 3138/2018 -

**PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 2995/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES, I.A. NO.130265/2019 - APPLICATION FOR PERMISSION TO FILE
ADDITIONAL DOCUMENTS)**

SLP(C) No. 29015-29016/2018 (IX)

SLP(C) No. 25952/2018 (IX)

SLP(C) No. 26307/2018 (IX)

SLP(C) No. 26361/2018 (IX)

SLP(C) No. 26352/2018 (IX)

SLP(C) No. 26365/2018 (IX)

SLP(C) No. 26488/2018 (IX)

SLP(C) No. 29977/2018 (IX)

**SLP(C) No. 5563/2019 (IX)
(I.A. NO.112369/2021 - APPLICATION FOR PERMISSION TO FILE
ADDITIONAL DOCUMENTS)**

C.A. No. 3922-3923/2019 (III)

**SLP(C) No. 24052-24053/2019 (IX)
(FOR ADMISSION and I.R.; IA No.125022/2019-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.125023/2019-EXEMPTION FROM
FILING O.T. and IA No.125021/2019-CONDONATION OF DELAY IN REFILEING)**

**SLP(C) No. 17328/2019 (IX)
(FOR ADMISSION and I.R.;)**

**SLP(C) No. 27736/2019 (IX)
(FOR ADMISSION and I.R. and IA No.179166/2019-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.179169/2019-EXEMPTION FROM
FILING O.T.)**

SLP(C) No. 30862/2018 (IX)

SLP(C) No. 4037/2019 (IX)

**SLP(C) No. 632/2019 (IX)
(I.A. NO.115107/2021 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)**

**SLP(C) No. 15714/2010 (IX)
(I.A. NO.4/2010 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)**

**SLP(C) No. 5894/2010 (IX)
(I.A. NO.113091/2018 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)**

SLP(C) No. 13502/2010 (IX)

(IA No. 3/2013 - GRANT OF INTERIM RELIEF)

SLP(C) No. 14026/2010 (IX)

(I.A. NO.25943/2019 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

C.A. No. 8605/2010 (IX)

SLP(C) No. 38154/2013 (IX)

C.A. No. 8603/2010 (IX)

(IA No. 31895/2020 - APPLICATION FOR PERMISSION, IA No. 31907/2020 - EXEMPTION FROM FILING O.T., IA No. 31901/2020 - INTERVENTION/IMPLEADMENT, IA No. 112357/2021 - WITHDRAWAL OF CASE / APPLICATION)

SLP(C) No. 28075/2010 (IX)

(IA No. 147968/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 26481/2022 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 13598/2012 (IX)

SLP(C) No. 15746/2012 (IX)

SLP(C) No. 38557/2012 (IX)

SLP(C) No. 26351/2018 (IX)

SLP(C) No. 26281/2018 (IX)

(I.A. NO.115119 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS, I.A. NO.115122 - APPLICATION FOR EXEMPTION FROM FILING O.T.)

SLP(C) No. 26332/2018 (IX)

(I.A. 124337/2021 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS, I.A. NO.124339/2021 - FOR EXEMPTION FROM FILING O.T., I.A. NO.124343/2021 - FOR SUBSTITUTION TO BRING LRS OF PETITIONER)

SLP(C) No. 26520/2018 (IX)

C.A. No. 6902-6904/2009 (IX)

(IA No. 9247/2020 - INTERVENTION APPLICATION, IA No. 189448/2019 - INTERVENTION/IMPLEADMENT)

C.A. No. 9335/2013 (III)

SLP(C) No. 24583/2018 (IX)

SLP(C) No. 26704/2018 (IX)

SLP(C) No. 25975/2018 (IX)

(I.A. NO.114734 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

SLP(C) No. 26471/2018 (IX)

SLP(C) No. 26152/2018 (IX)

SLP(C) No. 26327/2018 (IX)

SLP(C) No. 26343/2018 (IX)

(I.A. NO.124581/2018 - APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS, I.A. NO.124582/2021 - FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION, I.A. 114726/2018 - FOR PERMSSION TO FILE ADDITIONAL DOCUMENTS)

Date : 24-03-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

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

Leave granted in all the special leave petitions.

The correctness of the judgment of Full Bench of Bombay High Court in Writ Petition No.5028/2006 in 'Shilpa Vishnu Thakur Vs. State of Maharashtra & Ors.' and other cases is subject matter of consideration before this Court. The Full Bench of Bombay High Court has interpreted the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short, 'the Act') and the set of the Rules framed under the aforesaid Act.

The High Court held that the affinity test is an integral part of the determination of the correctness of the claim of the caste certificate. It has been further held that in order to determine whether a person genuinely belongs to a designated Scheduled Tribe, the Scrutiny Committee must have regard to the entire evidence including on the question as to whether the applicant has satisfied the affinity test.

The said judgment was referred to by this Court in a judgment reported as (2010) 14 SCC 489 'Vijakumar Vs. State of Maharashtra & Ors.' wherein, a certificate issued to the uncle of the appellant was found to be of no use as such certificate is not found to be validated by the Scrutiny Committee. However, in another judgment reported as (2012) 1 SCC 113, 'Anand Vs. Committee for Scrutiny and Verification of Tribe Claims & Ors.', the said earlier judgment nor the judgment of the Full Bench of High Court was referred to. In the later, this Court has delineated the parameters which have to be kept in view while deciding the genuineness of the caste certificate.

The question as to whether what should be the parameters available to the Scrutiny Committee for verification of caste certificate is matter of importance arising out of interpretation of the Act and the Rule framed therein.

Two judgments have taken a view which require a consideration by a larger Bench of three Judges for authoritative decision on the questions of the parameters which have to be taken into consideration by the Scrutiny Committee to verify the caste

certificate.

Let these matters be placed before the Hon'ble The Chief Justice of India for consideration of the matter by the Three Judge Bench. The issue arises in many cases in the State of Maharashtra and in view of the fact, the special leave petitions were filed in the year 2009, we request the constitution of the larger Bench at an early date.

(SWETA BALODI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)