

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7325 OF 2011
(Arising out of SLP(C) No.4704/2008)

VARSHA

Appellant(s)

:VERSUS:

DIVISIONAL CASTE CERTIFICATE SCRUTINY
COMMITTEE AND ORS.

Respondent(s)

O R D E R

1. Leave granted.
2. We have heard the learned counsel for the parties.

3. It is alleged that the appellant belongs to Kunbi caste which is recognized as Other Backward Caste in the State of Maharashtra. She got married on 3.9.1992 to Sayyad Arif Sayyad Munir who belongs to 'Muslim Attar' caste which is also recognized as Other Backward Caste in the State of Maharashtra. The appellant obtained a caste certificate on 19.9.1996 showing her caste to be 'Muslim Attar'. In November 2003, she contested the election of

Municipal Corporation, Ahmednagar for the seat reserved for Women-OBC and was elected as a Corporator. After she was elected as a Corporator, her caste certificate showing her caste as 'Muslim Attar' was submitted for scrutiny. Subsequently, she came to know that she cannot obtain the caste certificate of her husband's caste. Therefore, she obtained a certificate on 7.6.2005 showing her caste as 'Kunbi' and submitted this certificate for verification. The Divisional Caste Certificate Scrutiny Committee held the certificate showing the caste as 'Muslim Attar' as invalid and declared that the appellant Varsha does not belong to 'Muslim Attar'. She filed a writ petition before the High Court which was dismissed and the order of the Caste Scrutiny Committee was upheld by the High Court. Thus, the appellant is before us.

4. In the facts and circumstances of the case, the impugned judgment as well as the order passed by the Caste Scrutiny Committee are set aside and the matter is remitted to the Divisional Caste Certificate Scrutiny Committee to verify the second certificate submitted by the appellant and consider

the case of the appellant de novo in accordance with law. We direct the Caste Scrutiny Committee to decide the case of the appellant as expeditiously as possible, in any event, within four weeks from the date of communication of this order.

5. This appeal is disposed of accordingly.

.....J
(DALVEER BHANDARI)

.....J
(GYAN SUDHA MISRA)

New Delhi;
August 16, 2011.

