

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). _____ OF 2023
(@ SLP(C) NO(S). 11105 OF 2021)

MADHUMITA DEBBARMA

...APPELLANT(S)

VERSUS

THE STATE OF TRIPURA AND OTHERS

...RESPONDENT(S)

WITH

CIVIL APPEAL NO(S). _____ OF 2023
(@ SLP(C) NO(S). 11486 OF 2021)

WITH

CIVIL APPEAL NO(S). _____ OF 2023
(@ SLP(C) NO(S). 11303 OF 2021)

WITH

CIVIL APPEAL NO(S). _____ OF 2023
(@ SLP(C) NO(S). 11801 OF 2021)

WITH

CIVIL APPEAL NO(S). _____ OF 2023
(@ SLP(C) NO(S). 12437 OF 2021)

WITH

CIVIL APPEAL NO(S). _____ OF 2023
(@ SLP(C) NO(S). 13925 OF 2021)

WITH

CIVIL APPEAL NO(S). _____ OF 2023
(@ SLP(C) NO(S). 14424 OF 2021)

ORDER

1. Leave granted.

2. We have heard the learned counsel appearing for the parties.

3. The dispute is whether the appellants belong to caste Tripuri which is admittedly a part of the Constitution (Scheduled Tribes) Order, 1950, as regards the State of Tripura.

4. The appellants are relying upon the two documents which are old documents. The first is a certificate to be produced by the Scheduled Castes and Scheduled Tribes candidates applying for appointment to the posts under the Government of India issued on 27.06.1959 by the District Magistrate in which it is certified that Shri Chandi Das Debbarma, S/o Shri Ashwani Kumar Debbarma belongs to Tripura community, which is recognised as a Scheduled Tribe in the State of Tripura. The second document is a certificate issued by the District Magistrate and Collector on 11.04.1969 certifying that Shri Badal Debbarma s/o of Shri Kalidas Debbarma belongs to Tripuri community which is notified as a Scheduled Tribe community in the State of Tripura. As far as the certificate dated 27.06.1959 is concerned, the case of the appellant in the appeal arising out of SLP(C) No. 11105 of 2021 is that the person in whose favour the certificate has been issued is the real brother of her grandfather and the person in whose favour the certificate dated 11.04.1969 has been issued is her uncle (father's real brother).

5. After having perused the findings recorded by the State Level Scrutiny Committee, we find that there is no finding recorded that these two documents are not genuine. However, there is no

adjudication made regarding the claim made by the appellants about their relationship with the persons named in the certificates dated 27.06.1959 and 11.04.1969. There is some finding recorded regarding the genealogy produced by the appellants. However, we find that there is no verification made by the State Level Scrutiny Committee of the said genealogy, either through the Revenue Department or the Police Department.

6. The submission of the learned senior counsel appearing for the State is that the genealogy has to be proved in accordance with the law laid down by this Court in the case of *State of Bihar vs. Radhakrishna Singh and Others*¹. In this case, this Court was dealing with an appeal arising out of a civil suit. The Caste Scrutiny Committee constituted in terms of the decision of this Court in the case of *Kumari Madhuri Patil and Another vs. Addl. Commissioner, Tribal Development and Ors.*², is a quasi-judicial Authority as held by this Court in the case of *Mah. Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra & Ors.*³. Therefore, the strict rules of evidence incorporated under the Indian Evidence Act, 1872, cannot apply to the inquiry before the Caste Scrutiny Committee.

7. We find that the entire inquiry of the Committee should have been confined to the claim made by the appellants on the basis of the aforesaid certificates dated 27.06.1959 and 11.04.1969.

1 (1983) 3 SCC 118

2 (1994) 6 SCC 241

3 2023 SCC OnLine SC 326

8. The Committee ought to have made verification of the genealogy submitted by the appellants through the officers of the Revenue Department/Police Department and the local inquiry report of the said officers could have been of some assistance to the Scrutiny Committee.

9. Perhaps, one gets an impression that the Scrutiny Committee has dealt with the matter as if it was a civil court to which strict rules of evidence were applicable.

10. We, therefore, set aside the impugned orders of the Verification Committee/State Level Scrutiny Committee and the High Court and remit all the cases to the State Level Scrutiny Committee.

11. The Scrutiny Committee will proceed on the footing that the certificates dated 27.06.1959 and 11.04.1969 are genuine documents. The Committee will give opportunity to the appellants to adduce evidence in support of their claim of their relationship with the persons in whose favour the aforesaid two certificates have been issued.

12. Needless to add that the Caste Scrutiny Committee will take assistance of the officials of the Revenue Department/Police Department for verification of the relationship and of the genealogy pleaded by the appellants.

13. Needless to add that if the appellants establish their blood relationship with the persons in whose favour the aforesaid two certificates have been issued, the Caste claim made by the appellants will have to be upheld.

14. With the above directions, the appeals are partly allowed. The Scrutiny Committee shall complete the exercise as expeditiously as possible, preferably within a period of six months from the date on which the order of this Court is produced before the Committee.

15. We clarify that all the actions which are initiated against the appellants on the basis of the impugned orders and/or cancellation of their caste certificates, shall be naturally subject to the outcome of the fresh inquiry which we have directed.

.....J.
[ABHAY S. OKA]

.....J.
[PANKAJ MITHAL]

NEW DELHI;
OCTOBER 10, 2023.

ITEM NO.43

COURT NO.11

SECTION XIV

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 (C) No(s). 11105/2021

(Arising out of impugned final judgment and order dated 27-04-2021
in WA No. 09/2018 passed by the High Court Of Tripura at Agartala)

MADHUMITA DEBBARMA

Petitioner(s)

VERSUS

THE STATE OF TRIPURA & ORS.

Respondent(s)

IA No. 107410/2022 - APPROPRIATE ORDERS/DIRECTIONS)

WITH

SLP(C) No. 11486/2021 (XIV)

SLP(C) No. 11303/2021 (XIV)

SLP(C) No. 11801/2021 (XIV)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 116014/2021
IA No. 116014/2021 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 12437/2021 (XIV)

SLP(C) No. 13925/2021 (XIV)

SLP(C) No. 14424/2021 (XIV)

Date : 10-10-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. V. K. Sidharthan, AOR

Mr. Rajiv Mohan, Adv.
Ms. Akriti Chaubey, AOR
Mr. Nipun Arora, Adv.
Ms. Shalini Sinha, Adv.
Mr. Revanta Solanki, Adv.

For Respondent(s) Mr. Manoj Goel, Sr. Adv.
Mr. Kabir Shankar Bose, Adv.
Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Ms. Smriti Prasad, Adv.

Mr. Saurabh Tripathi, Adv.
Mr. Palak, Adv.
Mr. Shraddha Sharma, Adv.

Mr. Anjani Kumar Mishra, AOR
Mr. Rajesh Sen, Adv.
Ms. Shibani Bhattcharjee, Adv.
Dr. Arun K. Jha, Adv.
Ms. Priya, Adv.

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

Leave granted.

The appeals are partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

(Signed order is placed on the file)