

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3391 OF 2020

(Arising out of SLP (Civil) No.6649 of 2020)

MOHIT KUMAR

Appellant

VERSUS

STATE OF HARYANA & ORS.

Respondents

O R D E R

Leave granted.

This appeal challenges the judgment and final order dated 09.01.2020 passed by the High Court of Punjab & Haryana at Chandigarh in L.P.A. No.1641 of 2016 arising from Civil Writ Petition No.15458 of 2016.

The appellant claiming himself to be belonging to Scheduled Caste "Julaha" (Weaver) contested election to the post of Sarpanch of Gram Panchayat Mustafabad, Tehsil Jagadhri, District Yamuna Nagar, Haryana.

The status claimed by the appellant was subject matter of consideration before Sub-Divisional Officer (Civil), Jagadhri, who by his report dated 24.06.2016 concluded that the Certificate obtained by the appellant that he belonged to "Julaha" caste was incorrect.

The issue concerning the status as claimed by the appellant was gone into by District Level Inquiry Committee ('the Committee', for short), which concluded that the Certificate in question was wrongly obtained by the appellant.

Thus, essentially the question that arose for consideration in the writ petition filed by the appellant before the High Court was whether the appellant rightfully claimed the status that he belonged to "Julaha" caste (Weaver). A question was also raised in the writ petition whether the constitution of the Committee was in keeping with the directions issued by this Court in *Kumari Madhuri Patil & Another v. Additional Commissioner, Tribal Development & Others*, (1994) 6 SCC 241.

The Division Bench of the High Court noted the submission of the appellant that the Committee was not duly constituted but did not deal with the submission. However, the determination made by the Committee was affirmed and the challenge raised by the appellant was rejected.

While issuing notice on the question whether the Committee was properly constituted or not, this Court made it clear that the pendency of the matter before this Court would not have any impact or effect upon the election as Sarpanch to the Gram Panchayat in question. It was also made clear that regardless of the decision of this Court, the appellant would be deemed to have vacated the office of Sarpanch and all consequential actions would therefore follow.

In this appeal, we heard Mr. Rajive Bhalla, learned Senior Advocate for the appellant, Mr. Alok Sangwan, learned AAG for the State, and Ms. Binu Tamta, learned Advocate for the Caveator.

For the purposes of the present appeal, it is suffice to note that though an issue about the composition and constitution of the Committee was raised by the appellant, that issue was not gone into by the High Court.

We, therefore, allow this appeal, set-aside the judgment under appeal and restore L.P.A. No.1641 of 2016 to the file of the High Court. We request the High Court to consider disposal of the L.P.A. at an early date and

preferably within six months from the receipt of this order.

A communication shall accordingly be sent by the Registry of this Court to the Registry of the High Court.

For the sake of clarity it must be stated that the interim direction regarding vacation of office of Sarpanch by the appellant is made absolute.

We must also record that Mr. Alok Sangwan, learned AAG for the State fairly submitted that the criminal proceedings launched against the appellant vide FIR No.123 dated 27.06.2016 registered with Police Station Chhapar, District Yamuna Nagar, Haryana, shall not be proceeded with till the decision of the High Court in L.P.A. No.1641 of 2016.

The appeal is allowed in aforesaid terms, without any order as to costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
OCTOBER 08, 2020.

