



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 532 OF 1999

Mohd. Faheem s/o Sk. Ibrahim Quraishi,
Aged about 36 years, Working as Senior Auditor,
Office of the Audit Officer, Defence Services (Fys),
Ambazari, Nagpur, Resident of C.P.W.D. Colony,
Katol Road, Nagpur.

.... **PETITIONER**

VERSUS

- 1) The Caste Certificate Scrutiny Committee,
through Divisional Social Welfare Officer,
Nagpur Division, Somalwar Bhawan,
Mount Road, Sadar, Nagpur.
- 2) Sr. Audit Officer, Defence Services (FYS),
Ambazari, Nagpur.
- 3) Union of India, Ministry of Social Justice
and Empowerment, through Deputy Secretary,
Room No.740-A, Wing Shastri Bhavan,
Dr. Rajendra Prasad Marg, New Delhi.
- 4) National Commission for Schedule Castes,
through its Chairman, 5th Floor,
Lok Nayak Bhawan Khan Market, New Delhi.
- 5) National Commission for Minorities,
through its Chairman, 5th Floor,
Lok Nayak Bhawan Khan Market, New Delhi.

.... **RESPONDENTS**

Mr. Akshaya Sudame, Counsel for the petitioner,
Mrs. S. S. Dhote, A.G.P. for respondent No.1,
Mrs. Mugdha Chandurkar, Counsel for respondent No.2,
Mr. Kartik Shukul, D.S.G.I. with Mr. Gaurav Khatwani & Ms. Prutha
Hardas, Counsels for respondent Nos.3,4 & 5.



**CORAM : URMILA JOSHI-PHALKE &
NIVEDITA P. MEHTA, JJ.**

DATE OF RESERVING THE JUDGMENT : 15-07-2026
DATE OF PRONOUNCING THE JUDGMENT : 24-07-2026

JUDGMENT : (PER : NIVEDITA P. MEHTA, J.)

The present writ petition was initially filed challenging the order dated 24.11.1998 passed by respondent No.1-Caste Certificate Scrutiny Committee, Nagpur invalidating the petitioner's claim of belonging to "Bahna", a Scheduled Caste listed at Entry No. 5 of Part X of the Constitution (Scheduled Castes) Order, 1950. The petitioner has also challenged the constitutional validity of Paragraph 3 of the S.R.O. No. 385 dated 10.08.1950 (referred to as "the Constitution (Scheduled Castes) Order, 1950), insofar as it restricts the Scheduled Caste status to persons professing the religions specified therein, thereby excluding persons professing Islam from claiming the benefit of Scheduled Caste status.

2. During the pendency of the writ petition, the constitutional challenge raised by the petitioner came to be considered in the backdrop of the proceedings pending before the Hon'ble Supreme Court on the same issue. After issuance of Rule, the matter came up for hearing on various occasions. Since the constitutional validity of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 was already engaging the attention of the Hon'ble Supreme Court, this Court deferred consideration of the present petition from time to time. The said order dated 01.08.2016 is reproduced as under:



“Heard Shri Sudame and Dr. Jamal, learned counsel for the respective petitioners and Shri Patil, learned AGP for the respondent-Scrutiny Committee.

It is not in dispute that the validity of the Constitution (Scheduled Castes) Order, 1950, is placed before the larger Bench by the Hon’ble Apex Court. The challenge is on account of exclusion of other religions from the reserved class.

Shri Sudame, learned counsel has stated that the last order available is dated 06.02.2015 by which lead matter is directed to be placed before the larger Bench.

In Writ Petition No. 532 of 1999, the employment of the petitioner has been protected and this Court has directed that he would not seek any promotion as a reserved category candidate.

In this situation, we find substance in the request of the petitioners that the present writ petitions should be kept pending.

Accordingly, we place both these petitions for final hearing in the week commencing from 17.10.2016. If there are any developments in pending challenge before the Hon’ble Apex Court, liberty to the parties to apply for preponement.

The petitioners are permitted to take back the citations placed by them on record.”

3. Pursuant to the aforesaid order, the matter continued to remain pending awaiting the decision of the Hon'ble Supreme Court. On subsequent dates, namely 18.10.2016, 14.06.2019, 11.01.2021, 01.03.2021, 04.01.2022, 12.09.2022 and 10.11.2022, this Court recorded that the issue was still engaging the attention of the Hon'ble Supreme Court and adjourned the matter from time to time. Thereafter, the petitioner expressed his intention to seek transfer of the present writ petition to the Hon'ble Supreme Court so that it could be heard along with the connected matters pending before it. Accordingly, on the request made on behalf of the petitioner, further time came to be granted by this Court.



4. However, during the pendency of the petition, Civil Application No.452 of 2022 came to be filed by respondent No. 2 seeking vacation of the interim protection operating in favour of the petitioner. By a detailed order dated 08.07.2022, this Court considered the rival submissions, examined the effect of the pending constitutional challenge and vacated the interim order while observing that, if ultimately the petitioner succeeded in the constitutional challenge before the Hon'ble Supreme Court, consequential relief could always be granted. The said order dated 08.07.2022 of this court is reproduced as under:

“Civil Application (CAW) No.452/2022

This application has been moved by the respondent No.2-employer of the petitioner who is working on the post of Auditor. By the said application the order of status-quo that was passed on 30/03/1999 and clarified on 08/01/2001 is sought to be vacated.

2. The caste-claim of the petitioner of belonging to ‘Bahna’ (Scheduled Caste) has been invalidated by the Scrutiny Committee on 24/11/1998. In that order it has been stated that the petitioner is a Muslim by birth and in his school records there is an entry-‘Muslim-Bahna’. The Scrutiny Committee has referred to the written statement of the petitioner tendered before it on 30/09/1998 admitting that he was claiming to be ‘Muslim-Bahna’. By holding that the Scheduled Caste Order, 1950 was applicable only to Hindus, Sikhs and Bouddhas, the Scrutiny Committee proceeded to invalidate the petitioner’s caste-claim. The petitioner has challenged the order of invalidation in the writ petition. Another prayer made in the writ petition is a challenge to S.R.O. 385 dated 10/08/1950 being ultra vires Articles 14 and 15(1) of the Constitution of India. On 30/03/1999 the Court passed an order directing the status-quo to be maintained. On 08/01/2001 it was clarified that the order of status-quo was restricted to the employment of the petitioner and that he would not be entitled to claim any benefit for seeking promotion in the cadre on the basis of his caste-claim.



3. The writ petition having been admitted on 23/02/1999, the same has been pending since then. With regard to the challenge to S.R.O. 385, the learned counsel for the petitioner by relying upon the order passed by the Honourable Supreme Court in *Centre For Public Interest Litigation And Anr. vs. Union of India (2011) 15 SCC 533* submitted that the question whether non-inclusion of Muslims in the Constitution (Scheduled Castes) Order, 1950 was discriminatory and violative of Articles 14, 15, 16 and 25 of Constitution of India has been referred to a larger Bench and that reference is still pending. Various orders passed by this Court in the writ petition indicate that the hearing of the writ petition has been adjourned from time to time considering pendency of the said larger issue.

4. On 14/06/2019 when the learned counsel for the respondent No.2 submitted that the petitioner's caste-claim had been rightly negated and prayed for vacation of the interim order, this Court observed that the said request for vacating the interim order would be considered after three months or after the reference was answered by the Honourable Supreme Court, whichever was earlier. Since it is informed that the reference before the Honourable Supreme Court is still pending, the respondent No.2 has moved this civil application.

5. The learned counsel for the respondent No.2 submitted that the petitioner had voluntarily stated before the Scrutiny Committee that he was professing Muslim religion and he had claimed to belong to 'Muslim-Bahna' community. The Scheduled Caste Order as it stands therefore does not entitle the petitioner to claim any benefit thereunder. Until Muslims are held entitled to benefit of the Scheduled Caste Order, no relief can be granted to the petitioner. The petitioner has been continuing in service on the strength of the order of status-quo passed by this Court. Since the order of the Scrutiny Committee does not appear to be bad in law, the order of status-quo deserves to be vacated.

6. The learned counsel for the petitioner reiterated the contention that the larger issue regarding non-inclusion of Muslims in the Scheduled Caste Order, 1950 was pending before the larger Bench. Since the proceedings in the writ petition have been adjourned from time to time awaiting the answer to that



reference, there was no reason to vacate the order of status-quo. The same has been continuing since long.

7. *It is undisputed that insofar as the challenge to S.R.O. 385 dated 10/08/1950 is concerned, the hearing of the writ petition was deferred as the larger issue is pending before the Honourable Supreme Court. Therefore presently the only question to be considered is whether on a consideration of the order passed by the Scrutiny Committee dated 24/11/1998 a case for continuing the order of status-quo is made out ? We find that the Scrutiny Committee has referred to the petitioner's own statement dated 30/09/1998 wherein he admitted that he claims to belong to 'Muslim-Bahna' community. On that premise the Scrutiny Committee has held that the claim made by the petitioner of belonging to Scheduled Caste is unjustified and not permissible in law. The petitioner has not denied making such statement before the Scrutiny Committee. We therefore find that the conclusion recorded by the Scrutiny Committee is neither contrary to law nor against the material placed before it. Since petitioner has failed to make out any case for continuation of the order of status-quo, the same stands vacated. If the petitioner ultimately succeeds in his challenge to the validity of S.R.O. 385 he can always claim consequential relief.*

The Civil Application is thus allowed by vacating the order of status-quo."

5. Subsequently, the petitioner approached the Hon'ble Supreme Court by filing a Transfer Petition seeking transfer of the present writ petition. The said request was declined by the Hon'ble Supreme Court, observing that there was no legal necessity for transfer and that the grievance of the petitioner could effectively be addressed by this Court, while requesting this Court to decide the present petition on priority within a period of four months. The said order dated 20.05.2026 in Transfer Petition (Civil) no. 1260/2026 passed by the Hon'ble Supreme Court is reproduced as below:



“1. The instant transfer petition seeks transfer of Writ Petition No.532/1999 titled "Mohd. Faheem s/o Sk. Ibrahim v. The Caste Certificate Scrutiny Committee, through Divisional Social Welfare Officer, Nagpur Division & Others" pending before the Bombay High Court (Nagpur Bench) to this Court.

2. However, we do not find any legal necessity to entertain such a prayer. In our considered opinion, the grievance of the petitioner can be effectively addressed by requesting the Bombay High Court (Nagpur Bench) to take up Writ Petition No. 532/1999 on a priority basis, and to further make an endeavour to decide the same within four months. Ordered accordingly.

3. It is clarified that we have not expressed any opinion on the merits of the case.

4. The Transfer Petition stands disposed of accordingly.”

6. Pursuant to the aforesaid order passed by the Hon'ble Supreme Court, the present writ petition has been taken up for final hearing. The order directing expeditious disposal does not record any finding on the merits of the controversy nor does it express any opinion on the correctness of the legal position governing the issue involved. The remit of this Court is, therefore, confined to deciding the petition in accordance with the law as it presently stands.

7. Before examining the rival submissions, it is necessary to identify the controversy that survives for consideration. The writ petition originally challenged the order dated 24.11.1998 passed by the respondent-Committee invalidating the petitioner's caste claim and also questioned the constitutional validity of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, insofar as it excludes persons professing Islam from the benefit of Scheduled



Caste status. During the pendency of the proceedings, the constitutional challenge assumed predominance in view of similar proceedings pending before the Hon'ble Supreme Court, resulting in repeated adjournments. The principal question that now arises is whether this Court can itself undertake an examination of the constitutional validity of Paragraph 3 despite the law laid down by the Hon'ble Supreme Court.

8. Since the challenge in the present writ petition is directed against the constitutional validity of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, it would be apposite to reproduce the same. Paragraph 3 reads thus:

"3. Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste."

A plain reading of the aforesaid provision indicates that while Paragraph 2 specifies the Scheduled Castes in relation to the States and Union Territories, Paragraph 3 restricts the benefit of such specification by providing that no person professing a religion other than the Hindu, Sikh or Buddhist religion shall be deemed to be a member of a Scheduled Caste. The constitutional validity of this exclusion forms the subject matter of challenge in the present writ petition.

9. The aforesaid issue must necessarily be examined keeping in view the constitutional scheme governing precedents. Article 141 of the Constitution



mandates that the law declared by the Supreme Court shall be binding on all Courts within the territory of India. The doctrine embodied therein is not merely one of precedent but one founded upon constitutional discipline, institutional hierarchy and certainty in the administration of justice. Consequently, once the Hon'ble Supreme Court has authoritatively pronounced upon the constitutional validity of a statutory or constitutional provision, the issue ceases to remain open before the High Courts. The binding character of such declaration cannot be diluted merely because another litigant seeks to advance additional grounds, relies upon subsequent material or points to the pendency of similar proceedings before the Hon'ble Supreme Court. Any contrary approach would undermine both Article 141 and the certainty and finality which the doctrine of precedent is intended to achieve.

10. The scope of Article 141 of the Constitution and the doctrine of judicial discipline have been authoritatively explained by the Hon'ble Supreme Court in a catena of decisions. In ***Suganthi Suresh Kumar v. Jagdeeshan, (2002) 2 SCC 420***, the Hon'ble Supreme Court emphatically held that it is impermissible for a High Court to question or disregard the law declared by the Hon'ble Supreme Court on the ground that a particular aspect had not been considered. The Hon'ble Supreme Court observed as under:

“9. It is impermissible for the High Court to overrule the decision of the Apex Court on the ground that the Supreme Court laid down the legal position without considering any other point. It is not only a matter of discipline for the High Courts in India, it is



the mandate of the Constitution as provided in Article 141 that the law declared by the Supreme Court shall be binding on all courts within the territory of India. It was pointed out by this Court in Anil Kumar Neotia v. Union of India [(1988) 2 SCC 587 : AIR 1988 SC 1353] that the High Court cannot question the correctness of the decision of the Supreme Court even though the point sought before the High Court was not considered by the Supreme Court.”

11. The same principle was reiterated in the case of ***Official Liquidator v. Dayanand, (2008) 10 SCC 1***, wherein the Hon'ble Supreme Court expressed serious concern over the growing tendency of Courts and Tribunals to ignore binding precedents. The Hon'ble Supreme Court observed that judicial discipline is the bedrock of the administration of justice and any deviation therefrom strikes at the very foundation of the rule of law. The relevant paragraph Nos. 90, 91 are reproduced as under:

“90. We are distressed to note that despite several pronouncements on the subject, there is substantial increase in the number of cases involving violation of the basics of judicial discipline. The learned Single Judges and Benches of the High Courts refuse to follow and accept the verdict and law laid down by coordinate and even larger Benches by citing minor difference in the facts as the ground for doing so. Therefore, it has become necessary to reiterate that disrespect to the constitutional ethos and breach of discipline have grave impact on the credibility of judicial institution and encourages chance litigation. It must be remembered that predictability and certainty is an important hallmark of judicial jurisprudence developed in this country in the last six decades and increase in the frequency of conflicting judgments of the superior judiciary will do incalculable harm to the system inasmuch as the courts at the grass roots will not be able to decide as to which of the judgments lay down the correct law and which one should be followed.



91. *We may add that in our constitutional set-up every citizen is under a duty to abide by the Constitution and respect its ideals and institutions. Those who have been entrusted with the task of administering the system and operating various constituents of the State and who take oath to act in accordance with the Constitution and uphold the same, have to set an example by exhibiting total commitment to the constitutional ideals. This principle is required to be observed with greater rigour by the members of judicial fraternity who have been bestowed with the power to adjudicate upon important constitutional and legal issues and protect and preserve rights of the individuals and society as a whole. Discipline is sine qua non for effective and efficient functioning of the judicial system. If the courts command others to act in accordance with the provisions of the Constitution and rule of law, it is not possible to countenance violation of the constitutional principle by those who are required to lay down the law.”*

12. The principle was further explained by the Constitution Bench in ***Central Board of Dawoodi Bohra Community v. State of Maharashtra, (2005) 2 SCC 673***, wherein it was held that if the correctness of an earlier decision is doubted, the matter can be reconsidered only by a Bench of co-equal or larger strength and, until such reconsideration takes place, the earlier declaration of law continues to bind all Courts.

13. The principal relief sought by the petitioner is a declaration that the relevant Entry/Schedule is unconstitutional and invalid. The constitutional validity of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 directly came up for consideration before the Hon'ble Supreme Court in ***Soosai v. Union of India, 1985 Supp SCC 590***. The Hon'ble Supreme Court examined the challenge founded on Articles 14, 15 and 25 of the Constitution



and, after considering the material placed before it, upheld the constitutional validity of Paragraph 3. The Hon'ble Supreme Court observed as under:

“8. It is quite evident that the President had before him all this material indicating that the depressed classes of the Hindu and the Sikh communities suffered from economic and social disabilities and cultural and educational backwardness so gross in character and degree that the members of those castes in the two communities called for the protection of the constitutional provisions relating to the Scheduled Castes. It was evident that in order to provide for their amelioration and advancement it was necessary to conceive of intervention by the State through its legislative and executive powers. It must be remembered that the declaration incorporated in para 3 deeming them to be members of the Scheduled Castes was a declaration made for the purposes of the Constitution. It was a declaration enjoined by clause (1) of Article 341 of the Constitution. To establish that para 3 of the Constitution (Scheduled Castes) Order, 1950 discriminates against Christian members of the enumerated castes it must be shown that they suffer from a comparable depth of social and economic disabilities and cultural and educational backwardness and similar levels of degradation within the Christian community necessitating intervention by the State under the provisions of the Constitution. It is not sufficient to show that the same caste continues after conversion. It is necessary to establish further that the disabilities and handicaps suffered from such caste membership in the social order of its origin-Hinduism-continue in their oppressive severity in the new environment of a different religious community. References have been made in the material before us in the most cursory manner to the character and incidents of the castes within the Christian fold, but no authoritative and detailed study dealing with the present conditions of Christian society have been placed on the record in this case. It is, therefore, not possible to say that the President acted arbitrarily in the exercise of his judgment in enacting para 3 of the Constitution (Scheduled Castes) Order, 1950. It is now well established that when a violation of Article 14 or any of its related provisions is alleged, the burden rests on the petitioner to establish by clear and cogent evidence that the State has been guilty of arbitrary discrimination. Having regard to the State of



the record before us, we are unable to hold that the petitioner has established his case. The challenge must, therefore, fail.”

The aforesaid pronouncement leaves no manner of doubt that the constitutional validity of Paragraph 3 has already been examined and upheld by the Hon'ble Supreme Court. Whether the reasoning adopted therein requires reconsideration, or whether subsequent constitutional developments warrant a different approach, are questions which can be considered only by the Hon'ble Supreme Court. This Court, in exercise of jurisdiction under Article 226, is bound to apply the law so declared.

14. It is also brought to the notice of this Court that a larger issue touching upon the same subject is presently pending consideration before the Hon'ble Supreme Court in ***Centre for Public Interest Litigation and Anr. vs Union of India and ors, (2011) 15 SCC 533***. The relevant order has been reproduced below for reference:

“ORDER

1. On oral application made by Mr Prashant Bhushan, learned counsel for the petitioners, the National Commission for Minorities and the National Commission for Scheduled Castes are to be added as party-respondents since the following constitutional issues are arising:

(1) Whether Para 3 of the Constitution (Scheduled Castes) Order, 1950 issued in exercise of Article 341(1) of the Constitution of India, which says that "Notwithstanding anything contained in Para 2, no person who professes a religion different from Hinduism, Sikhism and Buddhism shall be deemed to be a member of a Scheduled Caste" is unconstitutional and void, being violative of Articles 14, 15, 16 and 25 of the Constitution of India?



(2) Whether a Scheduled Caste professing a religion different from Hinduism, Sikhism and Buddhism can be deprived of the benefit of Para 3 of the Constitution (Scheduled Castes) Order, 1950, in violation of Articles 14, 15, 16 and 25 of the Constitution of India?

(3) Whether non-inclusion of "Christians" and "Muslims" in Para 3 of the Constitution (Scheduled Castes) Order, 1950, along with Hinduism, Sikhism and Buddhism, is discriminatory and violative of Articles 14, 15, 16 and 25 of the Constitution of India?

2. Let notice be issued to the newly added respondents. Notice to newly added parties be served via dasti.

3. Since very important constitutional issues are arising in these cases, we request Shri T.R. Andhyarujina, learned Senior Counsel, to assist the Court as amicus. The copies of the paper books and other compilations in the main matter be given to Shri T.R. Andhyarujina.

4. Place these matters for final disposal on 24-2-2011, subject to overnight part-heard."

The learned Deputy Solicitor General of India for respondent No. 3, 4, 5 has also brought to our attention that the said matter has been listed in the daily cause-list of the Hon'ble Supreme Court of India on 15.07.2026 at serial Serial No. 3. The mere pendency of the aforesaid proceedings does not dilute the binding force of the law presently holding the field. Unless the earlier decision is overruled or a contrary view is taken by a Bench of co-equal or larger strength, this Court is duty-bound to apply the law as it presently stands. Judicial discipline and the mandate of Article 141 leave no discretion with a High Court to disregard binding precedent merely because a similar issue is pending consideration before the Hon'ble Supreme Court.



15. In this backdrop, the order of remand passed by the Hon'ble Supreme Court in the transfer petition also cannot be construed as reopening the settled legal position or authorising this Court to ignore binding precedent. The direction issued therein merely requires this Court to decide the writ petition expeditiously in accordance with law. It neither expresses any opinion on the merits nor authorises this Court to disregard the law already declared by the Supreme Court.

16. The submission on behalf of the petitioner, however, is that subsequent developments, particularly the pendency of connected proceedings before the Hon'ble Supreme Court, justify an independent examination of the constitutional challenge by this Court. The submission, though attractive at the first blush, cannot be accepted. In the considered opinion of this Court, mere pendency of proceedings does not eclipse the binding effect of an existing declaration of law. Unless an earlier decision is stayed, overruled or otherwise ceases to hold the field, every Court in the country remains bound to apply it. Acceptance of the petitioner's contention would introduce uncertainty in the administration of justice and would be contrary to the constitutional mandate contained in Article 141.

17. Equally significant is the fact that the petitioner himself approached the Hon'ble Supreme Court seeking transfer of the present writ petition. The prayer for transfer was declined and this Court was merely requested to decide the matter on priority. The said order cannot be interpreted as



conferring jurisdiction upon this Court to reconsider an issue already concluded by binding precedent. The direction is one of expeditious disposal and nothing more.

18. Learned Deputy Solicitor General of India appearing for respondent Nos. 3, 4 and 5 has also placed reliance upon the order passed by a Coordinate Bench of this Court *in Bahana Samaj Kalyan Mandal v. Union of India & Another, Writ Petition No. 3342 of 1997*, decided on 30.03.2026, to contend that in matters involving a similar constitutional challenge, this Court has consistently applied the law declared by the Hon'ble Supreme Court and disposed of such petitions while reserving liberty to the parties to avail the benefit of any judgment that may subsequently be rendered by the Hon'ble Supreme Court in the pending proceedings. We are in respectful agreement with the approach adopted by the Coordinate Bench, for the same accords with the mandate of Article 141 and the doctrine of judicial discipline.

19. Applying the aforesaid settled principles to the facts of the present case, we are of the considered opinion that the constitutional challenge raised by the petitioner cannot be entertained by this Court. The validity of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 has already been directly examined and upheld by the Hon'ble Supreme Court in *Soosai (supra)*. The law so declared continues to bind this Court by virtue of Article 141 of the Constitution. The pendency of proceedings before a larger Bench, or the contention that subsequent developments warrant reconsideration,



cannot dilute the binding force of the existing precedent. Until **Soosai** (*supra*) is reconsidered or overruled by a Bench of competent strength, this Court is duty-bound to apply the law as it presently stands. Consequently, the prayer seeking a declaration that Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 is unconstitutional and violative of Articles 14, 15, 16 and 25 of the Constitution cannot be granted.

20. Hence, the challenge to the constitutional validity of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 is rejected in view of the law declared by the Hon'ble Supreme Court in ***Soosai v. Union of India, 1985 Supp SCC 590***, which continues to bind this Court under Article 141 of the Constitution of India. Consequently, the order dated 24.11.1998 passed by respondent No.1-Caste Certificate Scrutiny Committee, Nagpur invalidating the petitioner's caste claim does not warrant interference and is accordingly upheld. It is, however, clarified that if the Hon'ble Supreme Court, in the pending proceedings concerning the constitutional validity of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, takes a view different from the law as it presently stands, it shall be open to the petitioner to seek appropriate relief and consequential benefits, if otherwise entitled, in accordance with law. Accordingly, the writ petition is dismissed.

21. Rule is discharged. There shall be no order as to costs.

(Nivedita P. Mehta, J.)

(Urmila Joshi-Phalke, J.)