



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2627 OF 2026

Mahesh Mahadev Turbathmath
Aged 50 years, resident of Gadhinglaj
Dist. Kolhapur.

...Petitioner.

VERSUS

1. State of Maharashtra
Through its Secretary, Social
Justice Department Mantralaya,
Mumbai – 400 032.
2. District Caste Certificate Scrutiny,
Committee, Kolhapur District,
Kolhapur through its Member
Secretary, having its office at
Dr. Babasaheb Ambedkar Samajik,
Nyay Bhavan, 2nd floor, Vichare Mal,
Kolhaspure – 416003.
Dist. Kolhapur.
3. Collector, Kolhapur,
Dist. Kolhapur.
4. Vinod Raju Bilawar,
Aged 43 years, resident of
Gadhinglaj, Dist. Kolhapur.

...Respondents.

Appearance :

Mr. R. K. Mendadkar (Through V.C) a/w Mr. Shrishail Sakhare and Mr. Ashish A. Chavan, Advocate for the Petitioner

Mr. A. P. Vanarase, AGP for Respondent Nos.1, 2 and 3 - State

Mr. S. B. Talekar a/w Mr. Abhijit Adgule and Mr. Saurabh Veer, Advocate for Respondent No.4

**Coram : Sharmila U. Deshmukh &
Neeraj P. Dhote, JJ.**

Reserved on : August 27, 2026.

Pronounced on : September 7, 2026.

JUDGMENT : [PER NEERAJ P. DHOTE, J.]

1. Impugned in this Writ Petition is the order dated 09.06.2026, passed by Respondent No.2 – Scrutiny Committee, invalidating the claim of the Petitioner towards “Beda Jangam” Scheduled Caste.

2. The Petitioner claims to be belonging to the “Beda Jangam” caste, which the Scheduled Caste at Serial No.9 of Part X of the Constitution (Scheduled Castes) Order, 1950 (hereinafter referred to as ‘the Presidential Order of 1950’) in the Schedule to the Constitution of India. The Petitioner is having a caste certificate as belonging to the “Beda Jangam” Scheduled Caste. As the Petitioner intended to contest the election to the post of President of the Gadhinglaj Municipal Council, he submitted his caste certificate for verification to Respondent No.2 – Scrutiny Committee. In support of his claim, he submitted several documents of himself, of his father, of his grandfather, of his great grandfather and other blood relatives. The Respondent No.2 – Scrutiny Committee referred the case for Vigilance Inquiry. The Vigilance Inquiry conducted the necessary inquiry, during which it recorded the statements of villagers, including that of Respondent No.4. The Vigilance Cell submitted its report, a copy of

which was given to the Petitioner by Respondent No.2 – Committee. The Petitioner submitted his *Say* to the Vigilance Cell report. A complaint came to be lodged with Respondent No.2 – Scrutiny Committee by Respondent No.4 that, the Petitioner did not belong to the “Beda Jangam” Scheduled Caste. The Respondent No.4 stated that, the Petitioner did not belong to the “Beda Jangam” Scheduled Caste. Considering the documents on record and the Vigilance Cell report, Respondent No.2 – Scrutiny Committee invalidated the Petitioner’s claim towards “Beda Jangam” Scheduled Caste by the impugned order.

3. Heard finally at the admission stage by consent of both the sides.

[A] It is submitted by the learned Advocate for the Petitioner that, the Petitioner had submitted the documents, in support of his caste claim, which shows that, he belong to the “Beda Jangam” Scheduled Caste. The Scrutiny Committee at Pune had issued the caste validity certificates to the cousin brother and cousin nephew of the Petitioner as belonging to the “Beda Jangam” Scheduled Caste. The Respondent No.2 - Scrutiny Committee ignored the said important documents. The Vigilance Cell collected the documents from the school where the Petitioner’s father had taken education and suspecting interpolation in the caste column, referred the document from the school for the opinion of handwriting expert, which do not give a conclusive finding

that, there was interpolation in the school record of the Petitioner's father. The Committee on its own, referred the documents to the handwriting experts and thereafter sits on the opinion of handwriting experts, which do not give any conclusive opinion that, the document was forged. As on date, no show-cause notice was issued by the Pune Scrutiny Committee to the blood relatives of the Petitioner holding validity certificates. The Respondent No.2 - Scrutiny Committee had returned the matter to the Pune Scrutiny Committee, recalling the papers of the validity holders from the family of the Petitioners. The Respondent No.2 – Scrutiny Committee ignored the pre-Constitution era entry in respect of the Petitioner's uncle showing the caste as "Beda Jangam". The various affidavits submitted by the Petitioner before Respondent No.2 – Scrutiny Committee, which supports his claim towards "Beda Jangam" Scheduled Caste, went unchallenged. As the impugned order did not consider the documents having more probative value and invalidated the Petitioner's caste claim on untenable reasons, the same be set aside, and Respondent No.2 – Scrutiny Committee be directed to issue the caste validity certificate to the Petitioner as belonging to the "Beda Jangam" Scheduled Caste. In support of his submissions, he relied on the decisions in **Abhishek Mahendra Umbarje Vs. State of Maharashtra, and others; 2022 SCC Online Bom 2858** and **Sayanna vs State of Maharashtra & Others; (2009) 10 SCC 268.**

[B] It is submitted by the learned AGP for Respondent Nos.1, 2, and 3 that, the Scrutiny Committee considered the documents available on record, and since there was no document from the pre-Constitution era showing the caste of the Petitioner's forefathers as "Beda Jangam", no fault can be found with the impugned order passed by Respondent No.2 – Scrutiny Committee. The document of the Petitioner's father, showing interpolation, was rightly referred for the opinion of handwriting experts. The opinion of handwriting experts supports the Committee's opinion. There was an afterthought insertion in the old records. The caste validity certificate of the blood relatives of the Petitioner are rightly not accepted by Respondent No.2 – Scrutiny Committee for the reasons mentioned in the impugned order. There is no merit in the Petition, and the same be dismissed.

[C] It is submitted by the learned Advocate for Respondent No.4 that, the pre-Constitution era documents of the Petitioner and his forefathers show the entry as "Hindu-Lingayat Beda Jangam", which cannot be considered as the entry as per the Constitution Schedule. The Vigilance Cell found that, the word "Beda Jangam" was interpolated in the school record of the Petitioner, and therefore Respondent No.2 – Scrutiny Committee has rightly discarded the said documentary evidence. The Scrutiny Committee has rightly not considered the validity certificates issued to the blood relatives of the Petitioner, as

they had obtained the caste certificates not from the area where their families were ordinarily residing, and therefore the caste certificates issued by an authority having no jurisdiction, cannot be said to be the valid document. The Caste Scrutiny Committee, Pune, had no jurisdiction to issue validity certificate to the Petitioner's relatives, as they were not ordinarily residing within its jurisdiction, and the same were obtained by practicing fraud. The Petitioner, the Petitioner's relatives and the Petitioner's father played the fraud and claimed that, they belong to the "Beda Jangam" Scheduled Caste. The entry in old documents of the Petitioner's relatives is that of "Lingayat". It is the settled position under the law that, the entry in the Schedule of the Constitution is to be read as it is, and no words can either be included, nor deleted from the same. The oldest entry in the record of great-great-grandfather of the Petitioner was "Linga", which means "Lingayat", which is not the Scheduled Caste. There was manipulation in the school record of the Petitioner's father. The Indian Franchise Committee Report 1932 defines the term "Depressed Classes", and the customary profession of the Petitioner's family was offering prayers in the Hindu temples, and the great-grandfather of the Petitioner was appointed as "Mathadhipati" or to officiate as a priest in Temples such as Shree. Kalleshwar, Shree. Basweshwar and Shree. Brahmadev by the King of Kolhapur. Respondent No.2 – Scrutiny Committee gone through

the proceedings of the Charity Commissioner, Mumbai, wherein, the orders were passed that, lands were allotted as Inam lands to the family of the Petitioner for performing the *puja* / prayer in the aforesaid Temples. The Scrutiny Committee has referred the matter to the Law and Judiciary Department for filing the Writ Petition before this Court for cancellation of the validity certificates issued to the relatives of the Petitioner, as they were obtained by playing fraud. The notices issued to the Petitioner's relatives holding validity certificates for cancelling the same is merely a ministerial act and can be no reason to grant validity to the Petitioner. Granting any relief to the Petitioner would tantamount to granting a benefit arising out of an illegality committed by him. No case exists to interfere in the impugned order, and the Petition be dismissed and further directions for initiation of criminal proceedings be issued. In support of his contentions, he relied on the following Judgments :

- [a] **Siddappa Vs. Karnataka Electricity Board passed by the Karnataka High Court in Writ Petition No.13983/1978 on 09.04.1985;**
- [b] **Union of India and Others Vs. Dudh Nath Prasad; (2000) 2 SCC 20 ;**
- [c] **Balvant N. Viswamitra and Others Vs. Yadav Sadashiv Mule (Dead) Through LR's and Others; (2004) 8 SCC 706;**
- [d] **Ketaki Bhumayya Muttepod Vs. The State of Maharashtra passed by the Division Bench (Aurangabad Bench) of this Court in Writ Petition**

No.11751/2025 and Writ Petition No.11829/2025 on 20.07.2026 ;

- [e] State of Maharashtra Vs. Milind and Others; (2001) 1 SCC 4 ;**
- [f] Priyanka Mahesh Jangam Vs. State of Maharashtra and others ; 2007 (6) Mh.LJ 709;**
- [g] Dhanashri Chambayya Swami Vs. State of Maharashtra and Others ; 2021 (3) Mh.L.J. 545 ;**
- [h] Navneet Kaur Harbhajansing Kundles alias Navneet Kaur Ravi Rana Vs. State of Maharashtra and Others; (2024) 12 SCC 264 ;**
- [i] Ashish Balaji Sawant Vs. Jalindar Tukaram Khaire and Others; 2025 SCC Online Bom 2427 ;**
- [j] Prabhudev Mallikarjunaiah Vs. Ramachandra Veerappa and Another; (1996) 4 SCC 431 ;**
- [k] Santosh Anil Kolhe Vs. State of Maharashtra Through its Secretary, Tribal Development Department and Another; 2025 SCC Online Bom 2820 ;**

4. Before considering the contentions of the parties and examining the case on merits, it would be appropriate to consider the aforesaid decisions cited by both the sides.

[A] In **Abhishek Mahendra Umbarje** (*supra*), the challenge was to the decision of the Scrutiny Committee invalidating the tribe claim towards “Koli Mahadev” Scheduled Tribe. The Petitioner therein had relied on the several documents, including the validity certificate issued to his blood relatives. Considering the decision in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee; (2010) 6 Mah.**

L.J. 401, wherein, the Division Bench of this Court held that, if the Committee has validated the tribe claim of the candidate as belonging to the Scheduled Tribe, then the other close blood relatives cannot be denied the validation of tribe certificates unless, of course, case of fraud, misrepresentation or suppression of facts is made out, and considering the Judgment in **Anand Katole Vs. Scheduled Tribe Caste Scrutiny Committee; (2012) 1 SCC 113**, wherein, the Hon'ble Apex Court emphasised that, while dealing with the documentary evidence, greater reliance may be placed on pre-independence documents because they furnish a higher degree of probative value to the declaration of status as a caste as compared to post-independence documents, set aside the order of the caste Scrutiny Committee being incomplete disregard to the judicial pronouncements and directed the Scrutiny Committee to issue validity certificate to the Petitioner as belonging to "Koli Mahadev" Scheduled Tribe.

[B] In **Sayanna** (*supra*), the challenge was to the decision of the Division Bench, by which the order of the Caste Scrutiny Committee, cancelling and confiscating the caste certificate issued by the concerned authority, was affirmed. The caste certificate issued in favour of the son of Appellant was sent for verification. The Scrutiny Committee validated the tribe claim of the Petitioner's son. The Petitioner contested the election to the post of President, Municipal Council, which was reserved

for Scheduled Tribe, and got elected. The caste certificate of the Petitioner was sent for verification. The Vigilance Cell submitted its report stating that, in the column of caste mentioned in the school record, the word "lu" was subsequently added. By considering the documents on record, the Scrutiny Committee invalidated the Petitioner's tribe claim and directed confiscation of the caste certificate. It was observed that, on what basis the Scrutiny Committee came to the conclusion that, the word "lu" was interpolated in the register of the school, more particularly, it was not so opined by the Police Inspector who had conducted the enquiry and it was an admitted position that, the Scrutiny Committee had never attempted to get an expert's opinion nor itself had compared the disputed letters with admitted one of the Appellant. It was observed that, the finding recorded by the Scrutiny Committee in respect of interpolation was held to be not based on any credible evidence. The order of the Scrutiny Committee invalidating the Petitioner's claim was held to be bad, being based on irrelevant considerations, and the same was set aside.

[C] In **Siddappa** (*supra*), the Single Bench of the Kanataka High Court was dealing with the case where the Petitioner was an Applicant for recruitment to the post of Assistant Engineer in the Karnataka Electricity Board. In order to claim the benefit of reservation made in favour of Scheduled Caste and Scheduled Tribes, he produced the

certificate issued by the concerned Tahsildar, to the effect that he belonged to Bed Jangam (SC) recognised as Scheduled Caste. The Appointing Authority, insisted for production of better particulars to establish that, he belonged to Beda Jangam community. As no appointment was offered to the Petitioner, he approached the Court for directions to issue the appointment order without insisting for production of fresh caste certificate or better particulars. The Bench considered the inclusion of "Beda Jangam" caste in the Scheduled Castes and Scheduled Tribes Orders Act, 1976 at Serial No. 19. The Bench considered the circular issued by the Commissioner and Secretary to the Government, Social Welfare and Labour Department and observed that, "Jangama" was not the same as "Beda Jangam", which was treated as Scheduled Caste and "Jangama" was the sub-caste of Veerashaiva or Lingayath community. It was observed that, on the basis of the said circular, the Petitioner was called upon to obtain a fresh certificate indicating that, he belonged to the "Beda Jangam" caste. It was observed that, nowhere in the Petition, it was asserted that, the Petitioner does not belong to sub-caste or sect of of Lingayath or Veerashaiva community but belongs to "Beda Jangam" caste, which was considered as Scheduled Caste. It was observed that, it was for the Appointing Authority to satisfy itself whether a candidate belongs to Scheduled Caste or otherwise. The Petition was dismissed.

[D] In **Dudh Nath Prasad** (*supra*), the issue involved was whether the Scheduled Caste certificate produced by the Respondent could be accepted as valid for the purpose of appointment to a Central Government service. The Respondent and his parents belonged to “Nuniya” caste which was a Scheduled Caste in the State of West Bengal but not in the State of Bihar. The Respondent’s parents were living in District Howrah in West Bengal continuously for more than 30 years before the Respondent joined service in the office of the Comptroller and Auditor General of India. The parents, before coming to West Bengal, were living in Siwan District in the State of Bihar where they also owned some property. The Respondent was born in that District, he had schooling and graduated from a college in Bihar. He initially joined service in Customs House, Calcutta (West Bengal) and while working there, he obtained a Scheduled Caste (SC) certificate from the Sub-Divisional Officer, Howrah and applied to UPSC as an SC candidate. The UPSC made necessary inquiries and accepted the Respondent as a candidate belonging to “Nuniya” caste, which was the Scheduled Caste in West Bengal and confirmed his candidature. The Respondent qualified the examination and the Government appointed him against reserved vacancy as an SC candidate. The UPSC led the instructions to the effect that, “a candidate who claims belonging to the SCs or STs should submit in support of his claim a certificate from the competent

authority of the district in which his parents or surviving parent ordinarily reside. There was a "Note" in the form which clarified that the expression "ordinarily reside" will have the same meaning as in Section 20 of the Representation of the People Act, 1950, by considering the meaning of the words "reside", "residence" and "ordinarily". It was observed that, notwithstanding that the parents of the respondent lived at one time in a village in District Siwan in the State of Bihar and that they owned some property also there, they had shifted to the State of West Bengal long ago and had been living there since then. For all intents and purposes, therefore, they shall be treated to be "ordinarily residing" in the State of West Bengal and found that, the Respondent was rightly considered and appointed against the Scheduled Caste post as the caste "Nuniya" was the Scheduled Caste in the State of West Bengal.

[E] In **Balvant N. Viswamitra and Others** (*supra*), the challenge was to the order of the Single Judge holding the decree sought to be executed against the Petitioners, (Respondents therein), as void ab initio. The question for consideration was whether the decree passed by the trial court can be said to be 'null' and 'void'. It was observed that, the distinction between a decree which is void and a decree which is wrong, incorrect, irregular or not in accordance with law cannot be overlooked or ignored. Where a court lacks inherent jurisdiction in

passing a decree or making an order, a decree or order passed by such court would be without jurisdiction, non est and void ab initio. A defect of jurisdiction of the court goes to the root of the matter and strikes at the very authority of the court to pass a decree or make an order. Such defect has always been treated as basic and fundamental and a decree or order passed by a Court or an authority having no jurisdiction is a nullity. Validity of such decree or order can be challenged at any stage, even in execution or collateral proceedings.

[F] In **Ketaki Bhumayya Muttepod** (*supra*), the challenge was to the order of the Caste Scrutiny Committee invalidating the claim towards “Scheduled Tribe” by recording suppression of fact and fraudulent record. The validation earlier granted by the Scrutiny Committee to close relative of the Petitioners was relied upon by them, but the invalidation of another close relative was evidently suppressed. The validation upon which the Petitioners had relied upon, was re-opened by the Committee on account of surfaced fraud played by the candidate while securing validity. By considering all the aspects of the matter and the relevant Judgments, dismissed the Writ Petition.

[G] In **Milind** (*supra*), it was observed that, it was not at all permissible to hold an enquiry or let in any evidence to decide or declare that any tribe or tribal community or part of or group within any

tribe or tribal community is included in the general name even though it is not specifically mentioned in the entry concerned in the Constitution (Scheduled Tribes) Order, 1950. The Scheduled Tribes Order must be read as it is. It is not even permissible to say that a tribe, sub-tribe, part of or group of any tribe or tribal community was synonymous to the one mentioned in the Scheduled Tribes Order if they are not so specifically mentioned in it. A notification issued under Clause (1) of Article 342, specifying Scheduled Tribes, can be amended only by law to be made by the Parliament. It was not open for the State Governments or for the Courts or for the Tribunals or for any other authority to modify, amend or alter the list of Scheduled Tribes specified in the notification issued under Clause (1) of Article 342.

[H] In **Priyanka Mahesh Jangam** (*supra*), the matter pertained to the invalidation of the caste claim of the Petitioner as belonging to “Beda Jangam”. The documents submitted in support of the caste claim, included the school register, wherein, the caste of the paternal grandfather of the Petitioner was shown as “Lingayat”. It was the oldest document on record. The school leaving certificate of the Petitioner’s father also recorded the caste as “Hindu-Lingayat”. The Vigilance Cell reported that, as per the home visit and verification of the custom, the Petitioner belonged to Beda-Jangam caste. It was observed that, where the documentary evidence was absent, the report of the Vigilance Cell

assumes great importance for the purpose of deciding the issue but does not mean that even in a case where the documentary evidence was deliberately withheld being likely to be adverse or is contrary to the claim made by the Petitioner, such documentary evidence was to be ignored altogether.

[I] In **Dhanashri Chambayya Swami** (*supra*), the challenge was to the invalidation of the claim towards “Beda Jangam” Scheduled Caste. It was found that, in the school record, the caste of the Petitioner and her brother was shown as “Hindu Beda Jangam”, but it appears from the Vigilance Report that word “Beda Jangam” in the caste certificate of the brother of the Petitioner was subsequently written and there was erasion of original words “Lingayat”. The Petitioner’s father was born in 1939 and his school leaving certificate showed his caste as “Hindu Lingayat”, but in the service-book his caste was shown as “Beda Jangam” Scheduled Caste. This Court found that, the Scrutiny Committee considered the documentary evidence and no fault was found with the order of the Scrutiny Committee invalidating the caste claim.

[J] In **Navneet Kaur Harbhajansingh Kundles** (*supra*), the subject matter was the claim towards the Scheduled Caste “Mochi”. Considering the scope of the interference in the writ jurisdiction, it was observed

that, the writ jurisdiction was supervisory and the Court exercising it, ought to refrain to act as an the Appellate Court unless the facts so warrant. It also ought not to re-appreciate the evidence and substitute its own conclusion interfering with a finding unless perverse. It observed that, the High Court went into a probe regarding the credibility of the opinion of the Scrutiny Committee because the writ court felt the need to substitute its own views. In case if the findings of the Scrutiny Committee are based on the materials specified under Rule 16 followed by its subjective satisfaction, then exercise of jurisdiction under writ of certiorari to quash the order of validation of caste claim by the Scrutiny Committee was unwarranted and uncalled for. It was further observed that, roving inquiry under the jurisdiction of Article 226 was not expected as per settled legal position.

[K] In **Ashish Balaji Sawant** (*supra*), the challenge was to the order passed by the District Caste Scrutiny Committee. It was found that, in the facts of the said case, the reliance in the case of *Apoorva d/o Vinay Nichale* (*supra*) was misplaced. While the Judgment holds a contrary view taken by a subsequent Committee, in itself may not invalidate an earlier caste validity certificate, it also categorically lays down that if the earlier certificate was obtained by fraud, the Committee dealing with the subsequent claim is neither bound to follow the earlier caste validity

certificate nor precluded from rejecting the claim. In such circumstances, the Committee was also empowered to initiate appropriate action against the Applicant.

[L] In **Prabhudev Mallikarjunaiah** (*supra*), the challenge was to the decision in the Election Petition, wherein the Appellant filed his nomination as Scheduled Caste candidate. The nomination was rejected by the Returning Officer by holding that, the candidate was not belonging to Beda Jangam and he belonged to the Veerashiva Jangamma. It is observed that, under Item 19 of the 1976, Scheduled Castes, Scheduled Tribes (Amendment) Act in relation to the State of Karnataka, "Beda Jangamma" or "Budaga Jangamma" were declared as Scheduled Castes. The question, therefore was whether Veerashiva Lingayath would be considered to be a Scheduled Caste (Beda Jangamma) within the notification issued by the President. It was observed that, it was settled law that, the courts cannot give any declaration that, the status with synonymous names of castes claimed by the party was conformable to the names specified in the Presidential Notification issued under Article 341 of the Constitution.

[M] In **Santosh Anil Kolhe** (*supra*), the challenge was to the order passed by the Scrutiny Committee, whereby earlier orders granting validity certificates to the tribe claim of the Petitioners were cancelled

and their claims were invalidated. The Scrutiny Committee exercised the power, to re-call its own earlier orders on the ground that such orders were obtained by the Petitioners on the basis of suppressions and misrepresentations. It was noticed that, there appeared to be an apparent cleavage in the approach adopted by the various division benches on the question as to whether the Scrutiny Committee can at all exercise power to recall its own earlier orders on the limited ground that such orders were obtained by fraud or misrepresentation. It was observed that, though it is well founded in the decisions of **Rakesh Bhimashankar Umbarje Vs. State of Maharashtra; 2023 63 OnLine Bom 1013** and particularly in **Bharat Nagu Garud Vs. State of Maharashtra; 2024 (7) ALL MR 45** to the effect that, if a blanket power of recall is bestowed upon the Scrutiny Committee despite the fact that the Act of 2000 does not provide a power of review, there is a possibility of indiscriminate or rampant use of such power, which would destabilize and upset the claims of the individuals belonging to the same family. But, that in itself cannot be the basis to hold that in no circumstances can the Scrutiny Committee exercise its inherent power of recalling its earlier order, which has been obtained on the basis of fraud, misrepresentation or suppression of material facts. It cannot be countenanced that orders upholding tribe claims and grant of validity certificates obtained on falsehoods, fabrications, fraud,

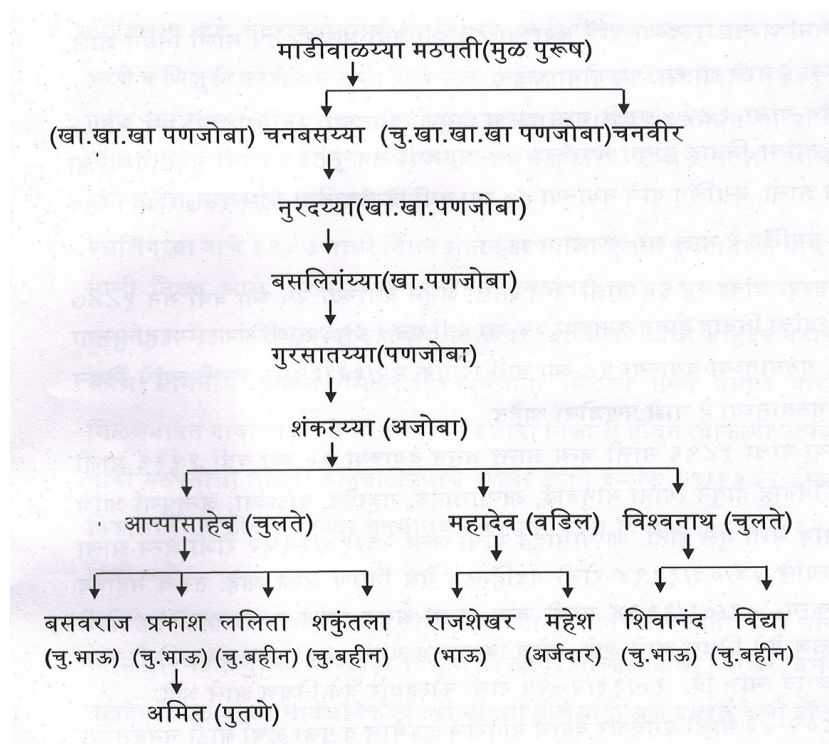
misrepresentation or suppression of material facts, when noticed subsequently, cannot become the basis of reopening such cases. It is also relevant to note that the Scrutiny Committee is better equipped to examine the aspects of fraud, fabrication and misrepresentation as it has some powers akin to those of a civil court, as compared to this Court exercising writ jurisdiction under Article 226 of the Constitution of India. The Court framed certain questions for reference to be answered by a Larger Bench. The questions referred are as follows:

- i. *Whether the Scrutiny Committee constituted under the Act of 2000, has the power to recall its order on the ground that it is vitiated by fraud, misrepresentation or suppression of material facts ?*
- ii. *Being a creature of the statute ie the Act of 2000, the Scrutiny Committee does not have power of substantive review due to absence of any such provision under the said statute, but does it denude the Scrutiny Committee of its inherent power to recall its own order on the ground of fraud, misrepresentation or suppression of material facts ?*
- iii. *If the Scrutiny Committee does have such limited power of recalling its order on the aforesaid grounds, what are the contours of the same and what safeguards must be applied so that a situation of rampant recalling of orders is avoided ?*
- iv. *Whether such a safeguard can include necessity of seeking leave of the High Court, in the light of the stipulation in Section 7(2) of the Act of 2000?*
- v. *Whether the judgments of Division Benches of this Court in the cases of Rakesh Bhimashankar Umbarje V. State of Maharashtra (supra) and Bharat Nagu Garud v. State of Maharashtra (supra), need to be revisited to the limited extent indicated above ?*

5. The issuance and verification of the caste certificates for the Scheduled Caste is governed by the Maharashtra Scheduled Castes,

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 and Rules of 2012 framed thereunder. As per the provisions of Section 8 of the said Act, the burden is on the Applicant, who makes the Application to the Competent Authority and Scrutiny Committee, to prove his claim.

6. The record shows that, the Petitioner submitted the genealogy to Respondent No.2 – Scrutiny Committee. There is no dispute in respect of the genealogy submitted by the Petitioner. The same is reproduced below :



7. The Petitioner applied for verification of his caste certificate as belonging to “Beda Jangam” Scheduled Caste. The impugned order shows that, in support of his claim, the Petitioner submitted twenty six (26) documents, the details of which are given below :

Sr. Nos.	Descriptions	Caste	Relation with the Petitioner
1	The Petitioner’s caste certificate issued by the Sub-Divisional Officer, Gadhinglaj.	Beda Jangam	Self
2	The school leaving certificate of the Petitioner.	Beda Jangam	Self
3	School leaving certificate of Mahadev Shankarayya Turbatmath @ Mathpati, wherein the date of birth is mentioned as 01.01.1934 and the date of school admission is mentioned as 01.10.1942.	Hindu and Lingayat Beda Jangam	Father
4	Mutation Entry No.38651 by the Tahsildar, Gadhinglaj, wherein, the name of Petitioner and his father came to be mutated.	----	Self and father
5	The property extract wherein the name of Shankarayya Gurusatayya Mathpati came to be recorded in 1945 and after his death, the names of his legal representatives were mutated.	----	Grandfather, father and uncle
6	Mutation Entry No.13350 of 1977, wherein the name of Shankarayya Gurusatayya Mathpati was recorded and after his death, the names of his legal representatives came to be mutated.	----	Grandfather, father and uncle
7	The school leaving certificate issued by P. M. Shri Barrister Nath Pai School in the name of Vishwanath	Hindu Lingayat Beda	Uncle

	Shankarayya Turbatmath @ Mathpati, wherein the date of birth is mentioned as 17.11.1938 and school admission dated is mentioned as 03.11.1947.	Jangam	
8	The school leaving certificate issued by the Raosaheb Kitturkar, Junior College, Gadhinglaj in the name of Shivraj Basavraj Turbatmath, wherein the date of birth is mentioned as 14.11.1987 and school admission dated is mentioned as 30.06.2003.	Hindu Beda Jangam	Cousin nephew
9	Death certificate of Shankarayya Gurusatayya Mathpati issued on 20.02.2026 by the Municipal Council, Gadhinglaj.	----	Grandfather
10	7/12 extract in respect of Devasthan Inam land of the year 1956 / 1957 wherein the name of cultivator / possessor is mentioned as Shri Kalleshwar Devalay - Shankarayya Gurusatayya Mathpati.	----	Grandfather
11	7/12 extract in respect of Devasthan Inam land of the year 1946 / 1947 wherein the name of cultivator / possessor is mentioned as Shri Brahmadev Devalay- Shankarayya Gurusatayya Mathpati	----	Grandfather
12	7/12 extract in respect of Devasthan Inam land of the year 1945/ 1946, wherein the name of cultivator / possessor is mentioned as Shri Basveshwar Dev – Shankarayya Gurusatayya Mathpati	----	Grandfather
13	The death certificate of Appasaheb Shankarayya Turbatmath issued on 20.02.2026 by the Municipal Council, Gadhinglaj.	----	Uncle

14	The caste certificate issued by Tahsildar, Gadhinglaj dated 02.08.1978 in the name of Appasaheb Shankarayya Turbatmath.	Beda Jangam	Uncle
15	The caste certificate issued by the Tahsildar, Gadhinglaj dated 10.10.1985 in the name of Prakash Appasaheb Turbatmath.	Beda Jangam	Cousin brother
16	A certified copy of the document from the Superintendent Public Trusts Registration Office, Kolhapur, giving reference of Sanad of the year 1952 in the name of Shankarayya Gurusatayya Mathpati @ Turbatmath	---	Grandfather
17	A certified copy of the document from the Superintendent Public Trusts Registration Office, Kolhapur, wherein the name of Shankarayya Gurusatayya Mathpati came to be entered after the death of Gurusatayya Baslingayya Mathpati @ Turbatmath on 20.11.1920	----	Great grandfather and Grandfather
18	The document issued by the Superintendent Public Trusts Registration Office, Kolhapur, wherein the reference of statement given on 21.08.1897 in respect of the profession of Baslingayya Nurudayya Mathpati and his ancestor was given as offering prayers and seeking alms.	----	Great-great grandfather, Great Grandfather
19	Certified copy issued by the Superintendent Public Trusts Registration Office, Kolhapur in respect of decision on Application No.1028/1952, wherein it is mentioned that, in 1882, there was <i>Sanad</i> in respect of Inam land of	----	Grandfather

	religious place Shri. Kalleshwardev, Shri Basveshwardev and Shri Brahmadev, in favour of Shankarayya Gurusatayya Mathpati @ Turbatmath.		
20	Certified copy of decision in Application No.1028/1952 and Appeal No.124/1954 dated 08.11.1952 by the Charity Commissioner, wherein there is reference of Inam land in favour of Shankarayya Gurusatayya Mathpati @ Turbatmath in lieu of offering the prayers at the religious place Shri. Kalleshwardev, Shri. Basveshwardev and Shri. Brahmadev.	----	Grandfather
21	The caste validity certificate dated 11.05.2012 issued by the Scrutiny Committee, Pune to Prakash Appasaheb Turbatmath.	Beda Jangam	Cousin brother
22	The caste validity certificate dated 18.02.2014 issued by the Scrutiny Committee, Pune to Amit Prakash Turbatmath.	Beda Jangam	Cousin nephew
23	The school leaving certificate of Amit Prakash Turbatmath issued by Jaywantrao Sawant College of Engineering, Pune wherein the date of birth is mentioned as 12.09.1992.	Hind Beda Jangam Scheduled Caste	Cousin nephew
24	The affidavit of Amit Prakash Turbatmath dated 02.04.2026 wherein the genealogy is given showing the Petitioner as the blood relative.	----	Cousin nephew
25	The affidavits of residence of Gadhinglaj stating that, they know the family of the Petitioner and their ancestral used to seek alms and perform the religious rituals /	----	----

	prayers and they are Beda Jangam by caste and also used to offer the prayers at the religious place Shri Kalleshwardev, Shri Basveshwardev and Shri Brahmadev.		
26	A copy of statement dated 14.06.1897 of Baslingayya Nurudayya Mathpati during the inquiry for mutating the names in respect of the lands of the religious place Shri Kalleshwardev, Shri Basveshwardev & Shri Brahmadev, wherein the profession is mentioned as offering the prayers and seeking alms.	----	Great great grandfather

8. The aforesaid chart goes to show that, only the documents at Serial No.3 and Serial No.7, which are the entries in the school records in respect of the Petitioner's father and Petitioner's uncle, are the oldest documents prior to 1950, i.e. the pre-Constitution period. The other documents upon which the Petitioner relied in support of his caste claim are two (02) validity certificates issued in the name of the Petitioner's cousin brother and cousin nephew by the Scrutiny Committee at Pune. There is no dispute that, the Petitioner's cousin brother - Prakash Appasaheb Turbatmath, and the Petitioner's cousin nephew - Amit Prakash Turbatmath are holding the validity certificates as belonging to "Beda Jangam" Scheduled Caste issued by the Scrutiny Committee at Pune. The record goes to show that, Respondent No.2 – Scrutiny Committee called the information in respect of the validity certificates

issued to the said blood relatives of the Petitioner. Accordingly, vide communication dated 28.04.2026, the Pune Scrutiny Committee informed Respondent No.2 – Scrutiny Committee about the same. Perusal of the said communication, which is at Page No.711 of the record, goes to show that, the validity issued to Prakash Appasaheb Turbatmath, i.e. the Petitioner's cousin brother was bearing No.67904 dated 11.05.2012, and the original file in respect of the same was not found, except the copy of validity certificate. The said communication further shows that, the validity issued to Amit Prakash Turbatmath was bearing No.663420 dated 18.02.2014 and copies of the documents from the original file were made available with the said communication. Perusal of the documents enclosed with the said communication goes to show that, there is a copy of an undated order at Page No.719, in respect of Amit Prakash Turbatmath, wherein it is observed that, the Committee was fully satisfied about the genuineness of the documents submitted by the Applicant, i.e. Amit Prakash Turbatmath, and therefore the Scrutiny Committee decided to issue the validity certificate, forthwith, without any inquiry by the Vigilance Cell or calling the Applicant for any hearing. However, the copies of documents at Page Nos.723, 725, 727 and 729 goes to show that, it was the report of the Vigilance Cell of the Scrutiny Committee at Kolhapur in respect of Amit Prakash Turbatmath. It is strange that, though the said documents

show the report of the Vigilance Cell of the Kolhapur Scrutiny Committee, the said undated order records that, without any inquiry by the Vigilance Cell, the Committee was satisfied in respect of the claim of Amit Prakash Turbatmath towards "Beda Jangam" Scheduled Caste. However, it is clear from the said undated order that, the validity certificate issued by the Scrutiny Committee at Pune in favour of cousin nephew of the Petitioner was issued without referring the case for inquiry by the Vigilance Cell.

9. True it is that, as per Rule 17 of the said Rules, it is not always mandatory for the Scrutiny Committee to refer the claim for verification to the Vigilance Cell for carrying out suitable inquiry. However, the aforesaid documents on record do show copies of the Vigilance Cell report. The undated order records that, the validity was issued without any inquiry by the Vigilance Cell. The copy of the Vigilance Cell report bears the stamp of the Inward Section of the Pune Scrutiny Committee, with Outward No.560 dated 26.07.2012 and this goes to show that, while issuing the said validity certificate to Amit Prakash Turbatmath on 18.02.2014, the Vigilance Cell report was available before the Scrutiny Committee at Pune. At the same time, the roznama / order sheet dated 28.02.2014 speaks of the Vigilance Cell report. Therefore, it is clear that, the validity certificate issued to the Petitioner's cousin nephew -

Amit Prakash Turbatmath, was issued without considering the Vigilance Cell report, which was available.

10. As regards the validity certificate towards “Beda Jangam” Scheduled Caste of the Petitioner’s cousin brother – Prakash Appasaheb Turbatmath is concerned, the aforesaid communication / letter dated 28.04.2026 from the Pune Scrutiny Committee to Respondent No.2 – Scrutiny Committee clearly shows that, the original file was not found. It is strange that, the file of the validity certificate dated 11.05.2012 in respect of the Petitioner’s cousin brother was not available with the Pune Scrutiny Committee. It is not that, the said file was of very old period. From the year, it is seen that, the said validity certificate of Prakash Appasaheb Turbatmath was issued two (02) years prior to the validity certificate issued to Amit Prakash Turbatmath, and therefore non-availability of the original file is strange. There is nothing to show that, the validity certificate of the Petitioner’s cousin brother – Prakash Appasaheb Turbatmath was issued by the Pune Scrutiny Committee after following the required procedure, which is required to be followed while examining the caste claim.

11. Useful reference can be made to the observations in the case of **Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Others; AIR 2023 SC 1657**, wherein it is observed

that, in the cases where the Applicant relies upon caste validity certificates issued to his blood relatives, such a validity certificate has to be issued either by the Scrutiny Committee constituted in terms of the directions issued in **Kumari Madhuri Patil's case; (1994) 6 SCC 241** or constituted under the Rules framed under the 2000 Act. In such a case, firstly, the Scrutiny Committee must ascertain whether the validity certificate is genuine. Secondly, the Scrutiny Committee will have to decide whether the Applicant has established that, the person to whom the validity certificate relied upon by him has been issued is his blood relative. For that purpose, the Applicant must establish his precise and exact relationship with the person to whom the validity certificate has been granted. Moreover, an inquiry will have to be made by the Scrutiny Committee whether the validity certificate has been granted to the blood relative of the Applicant by the concerned Scrutiny Committee after holding due enquiry and following due procedure. If it is established that, the validity certificate has been granted without holding a proper inquiry or without recording reasons, obviously, the Caste Scrutiny Committee cannot validate the caste certificate only on the basis of such validity certificate of the blood relatives.

12. The Respondent No.2 – Scrutiny Committee has considered the said validity certificates issued to the blood relatives of the Petitioner

and discarded the same by observing that, the said blood relatives of the Petitioner were ordinarily residing at Gadhinglaj, District – Kolhapur, they got certificates from the concerned authority at Pune and the cousin brother of the Petitioner – Prakash Appasaheb Turbatmath was holding a caste certificate dated 10.10.1985 issued by the Competent Authority at Gadhinglaj, and even then he obtained another caste certificate dated 10.08.2001 from the authority at Pune. The Respondent No.2 – Scrutiny Committee, by quoting the observations from the case of Apoorva d/o Vinay Nichale (*supra*), discarded the said two (02) validity certificates of the blood relatives of the Petitioner. In light of the above observations from the record, we do not find that, Respondent No.2 – Scrutiny Committee has committed any error in discarding the said (02) two validity certificates, though the reason for rejection are somewhat different than the one which we have noticed after going through the record as referred-above. Under such circumstances, the validity certificates of the cousin brother and cousin nephew will not enure to the benefit of the Petitioner. It is clear from the operative order that, Respondent No.2 – Scrutiny Committee has started independent action for cancellation of the said two (02) validity certificates issued to the blood relatives of the Petitioner. The record shows that, Respondent No.2 – Scrutiny Committee had written a letter to the Director of Dr. Babasaheb Ambedkar, Research and Training

Institute (BARTI), Pune to file a petition in the High Court for cancellation of the said two (02) validity certificates. The said step by Respondent No.2 – Scrutiny Committee appears to have been taken in light of the reference made to the Larger Bench as to whether the Scrutiny Committee constituted under the Act of 2000, has the power to recall its order on the ground that, it is vitiated by fraud, misrepresentation, or suppression of material facts. In the impugned order, Respondent No.2 – Committee has recorded that, the validity certificates were the result of misrepresentation and fraud. Therefore, the said course of action adopted by Respondent No.2 – Scrutiny Committee shows that, the necessary steps are initiated for cancellation of the said validity certificates.

13. The another important aspect of the matter is the old documents. Undisputedly, the oldest documents submitted by the Petitioner in support of his caste claim, as is clear from the above chart, are the entries in the school records of the Petitioner's father and Petitioner's uncle. Respondent No.2 – Scrutiny Committee considered the said documents and discarded the same for the reasons mentioned in the impugned order. As regards the entry of the year – 1942 in the school record of the Petitioner's father, Respondent No.2 – Scrutiny Committee observed that, there was interpolation in the said entry as the word

[illegible]

13.1 The record shows that, the Assistant State Examiner of Documents, Handwriting and Photography Bureau, C.I.D., Maharashtra State, Pune submitted its report in respect of the said entry. It shows that, the said document / entry was referred for its opinion. The said report dated 02.04.2026 at Page No.569 of the record notes that, the document was examined carefully and thoroughly with the aid of scientific equipments by comparison process and it opined that, the enclosed writings marked as Exhibit – B [the word “Beda Jangam”] and Exhibit – A [the word “Hindu and Lingayat”] were examined and it revealed that, *the tint of ink was different with each other. It further observed that, in absence of proper and adequate standard data for comparison, it has not been possible to express any definite opinion regarding their authorship of the enclosed writing marked as Exhibit – B when compared with the enclosed writing marked as Exhibit – A.* The said expert’s opinion becomes relevant. No fault can be found with the observations of Respondent No.2 – Scrutiny Committee in discarding the said pre-Constitution era document on the ground of interpolation, which is supported by an expert’s opinion. We do not find any reason to differ with the said observations of Respondent No.2 – Scrutiny Committee since it is based on the documents on record. Thus, the said school entry of the Petitioner’s father cannot form the basis to validate the caste claim.

14. As regards the another pre-Constitution era document in respect of the Petitioner's uncle is concerned, the same is of the year – 1947, which is the date of admission in the school. The observations in the impugned order goes to show that, the said document was also referred to the opinion of handwriting experts and it records that, *the tint of ink of the enclosed writing marked as Exhibit – C [“Hindu Lingayat Beda Jangam”] was same and when writing examined inter-se, show similarities in writing habits indicating towards their common authorship*. This shows that, the said entry was written at the same time or by the same ink. The Committee observed that, if the said entry in respect of the Petitioner's uncle in the school record was compared to the other entries on the same page, it shows that, the said entry was written in different ink. Even if the said aspect that, the said entry differs from the other entries on the same page is kept aside or discarded, the said entry in respect of caste is not simpliciter as “Beda Jangam”. The said entry is “Hindu-Lingayat Beda Jangam”. The Respondent No.2 – Scrutiny Committee has rightly placed reliance on the observations in the case of **Milind** (*supra*) that, the entry of caste in the Presidential Order must be read as it is and it is not permissible to hold that, a tribe, sub-tribe, part or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribes Order. There cannot be any dispute in respect of the settled legal position that, the entries in the Presidential Order in

respect of caste and tribe are to be read as it is. As the said entry mentions "Hindu-Lingayat Beda Jangam", which is not the caste mentioned in the Presidential Order of 1950, the said old entry cannot be of any assistance to the Petitioner to validate his caste claim.

15. True it is that, the pre-Constitution era documents have more probative value. As the aforesaid one old entry of father relied by the Petitioner, do not qualify the test of genuineness and the other old entry of uncle runs contrary to the caste entry in the Presidential Order of 1950 as the "Beda Jangam" caste, both the said old documents will not enure to the benefit of the Petitioner to support his caste claim towards "Beda Jangam" caste. On the basis of the documents on record, no fault can be found with the Committee's observations and findings in discarding the said two (02) old documents. It is clear from the aforesaid chart showing the documents submitted by the Petitioner in support of his caste claim that, there is no other document prior to 1950 of the blood relatives of the Petitioner showing the caste as "Beda Jangam".

16. As regards the school leaving certificate of the Petitioner's father – Mahadev dated 31.10.2025 issued by the Barrister Nath Pai school Gadhinglaj, wherein the date of school entry is mentioned as 01.10.1942, do not show the caste as "Beda Jangam". It shows the religion and caste as "Hindu-Lingayat Beda Jangam". Therefore, this

document also do not qualify the test of caste entry if examined in light of the Presidential Order of 1950, which shows the caste at Serial No.9 as “Beda Jangam, Budga Jangam” and not “Lingayat Beda Jangam”. The Respondent No.2 – Scrutiny Committee considered all the documents available on record, and invalidated the Petitioner’s claim towards “Beda Jangam” Scheduled Caste.

17. Though there are statements / affidavits of villagers from the village – Gadhinglaj to support the Petitioner’s caste claim, the caste claim is required to be established / proved on the basis of documents available on record. The said statements of villagers cannot form the basis to validate the Petitioner’s claim by ignoring the documentary evidence. As is clear from the aforesaid chart, there is no mention of caste in several documents, which the Petitioner submitted in support of his caste claim.

18. In light of the discussion above, we find no fault with Respondent No.2 – Scrutiny Committee in invalidating the Tribe claim of the Petitioner. In the facts and circumstances of the case, the decisions relied upon by the learned Advocate for the Petitioner are of no assistance to interfere with the impugned order.

19. When the Petition was listed for hearing on 24.08.2026, we made the following observations in the order passed on that date. The same is

reproduced as under :

"1. During the hearing of the petition, we noted with distress that the Law Officer of the Caste Scrutiny Committee, with promptness, was assisting the learned counsel appearing for Respondent No.4. We noted that the original records brought by the Law Officer, were handed over by the Law Officer to the Advocate for Respondent No.4, without seeking permission from the learned AGP, who is representing the Caste Scrutiny Committee. The quasi-judicial authority is expected to be neutral and not demonstrate bias in favour of any one party. We expect that the higher authorities would take note of this fact.

2. Though the matter was heard extensively, Mr. Talekar, learned counsel appearing for Respondent No.4 would seek time to file written submission.

3. At his request, stand over on 27th August 2026, under the caption of 'Direction'.

19.1. We expect that, the higher authorities of Respondent No.2 – Scrutiny Committee will take note of the said observations and do the needful so that such conduct is not repeated by its officials.

20. In light of the above discussion, the Petition fails and hence, the same is dismissed. The record be returned to the learned AGP so as to handover the same to the Respondent No.2 – Scrutiny Committee.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]