

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

WRIT PETITION NO. 2979 OF 2026

Deepak Rajaram Sawant,
Aged 64 years, Occ: Social service,
Residing at A/ 22, Om Amey CHS
Limited, Bhandup (E), Mumbai – 400042. ...Petitioner.

Versus

1. State of Maharashtra,
Social Welfare Department,
Mantralay, Mumbai.
2. District Caste Certificate Scrutiny
Committee, Ratnagiri District, Ratnagiri.
Through its Member-Secretary,
3. Mumbai Municipal Corporation,
Through its commissioner,
OPP. CST, Mumbai – 400001
4. Tahsildar, Ratnagiri,
District ratnagiri,
5. Sarika Mangesh Pawar,
Aged adult, Occ. Not known
Residing at Pawar House,
Near R. B. I. Quarters,
Bhandup (E), Mumbai-400042. Respondents.

Mr. R. K. Mendadkar, i/b. Mr. Shrishail Sakhare, Mr. Ashish Chavan, Advocates for the Petitioner.

Mr. Siddheshwar B. Kalel, AGP, for the Respondents-State.

Mr. Shridhar Patil (Through VC), for the Repsondent-UOI.

Mr. S. R. Ganabavale with Mr. S. Bedekar & Mr. S. Yadav, Advocates for the Respondent No.5.

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

Reserved on : September 11, 2026.
Pronounced on : September 28, 2026.

JUDGMENT : (Per Neeraj P. Dhote, J.)

1. By consent of both the sides heard finally at the admission stage.
2. By the present writ petition, the Petitioner has challenged the order dated 15th June 2026 passed by the Respondent No.2-Scrutiny Committee invalidating the claim of the Petitioner as belonging to the 'Kunbi' caste, which comes under the Other Backward Class category ('OBC').
3. The Petitioner claims to be belonging to the 'Kunbi' caste, which comes in the category of OBC. The Petitioner contested the elections to the Respondent No.3-Municipal Corporation from the seat reserved for the OBC category. The Petitioner got elected. The caste claim of the Petitioner came to be referred to the Respondent No.2-Scrutiny Committee. In support of his caste claim, the Petitioner relied on 12 documents. The vigilance inquiry was directed. The Vigilance Cell conducted the inquiry and submitted the report. The Respondent No.5-Complainant opposed the Petitioner's claim before the Respondent No.2-Scrutiny Committee and submitted 36 documents in support of her contention that the Petitioner did not belong to the 'Kunbi' caste. Considering the documents on record, the Respondent No.2-Scrutiny Committee invalidated the Petitioner's claim by the impugned order.
4. It is submitted by learned counsel for the Petitioner that, despite

the pre-Constitution era entry of the cousin grandfather of the Petitioner showing the caste as '*Kunbi*', the Respondent No.2-Scrutiny Committee invalidated the caste claim for unsustainable reasons. The said entry was in *Modi* script, which came to be translated. The said pre-Constitution era document was from the revenue record from the office of Respondent No.4-Tahsildar. The Respondent No. 4-Tahsildar was never called and examined by the Respondent No.2-Scrutiny Committee and, therefore, the said document cannot be discarded. The Rules framed under the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes, Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 provides that the Committee is duty-bound to record its reasons before discarding the Vigilance Cell report. The Vigilance Cell report was in favour of the Petitioner. However, without giving any reasons, the same is discarded by the Respondent No.2-Scrutiny Committee. The Petitioner had submitted the detailed reply to the show cause notice issued by the Respondent No.2-Scrutiny Committee and the said reply is not even considered by the Respondent No.2-Scrutiny Committee. As the pre-Constitution era document has more probative value, the Committee erred in law in discarding the said entry and invalidating the Petitioner's claim. It is submitted that the petition be allowed and the order passed by the Respondent No.2-

Scrutiny Committee and the order passed by the Respondent No.3-Municipal Corporation be quashed and set aside and the Petitioner be issued the validity certificate as belonging to the '*Kunbi*' caste. In support of his submissions, he relied on the judgments of the Hon'ble Supreme Court of India, which are considered in the latter part of the judgment.

5. It is submitted by the learned AGP appearing for Respondent Nos. 1, 2 and 4 that the pre-Constitution era document relied by the Petitioner is rightly discarded by the Respondent No.2-Scrutiny Committee, as found to be inserted in the revenue record and, therefore, the said document cannot form the basis to set aside the impugned order. She submitted that, the Petitioner failed to establish his claim before the Respondent No.2-Scrutiny Committee and no fault can be found with the impugned order and the petition be dismissed.

6. It is submitted by learned counsel for the Respondent No.5-Complainant that, it was revealed during the vigilance inquiry that the purported death entry in the Birth and Death Register of the purported cousin grandfather of the Petitioner was fabricated and, therefore, the Respondent No.2-Scrutiny Committee has rightly discarded the said document. The school leaving certificates of the father and two uncles of the Petitioner mention the caste as '*Maratha*', and the said

documents are also the pre-Constitution era documents. There was no requirement under the law mandating the Respondent No.2-Scrutiny Committee or the Vigilance Cell to examine the Tahsildar. The school leaving certificates showing the caste as '*Maratha*' of the Petitioner's father and two uncles are not disputed by the Petitioner and the Petitioner merely stated before Respondent No.2-Scrutiny Committee that, he was unaware of the said school leaving certificates. There is no requirement under the law that the Respondent No.2-Scrutiny Committee should call for the expert opinion to ascertain the veracity of the document before considering the document. The Petitioner failed to establish the relationship with Waman Jairam Daji Sawant shown in the genealogy, as the cousin grandfather. The Petitioner consciously suppressed the school leaving certificates of his father and two uncles, wherein the caste is shown as '*Maratha*'. The Petitioner could have relied upon the caste credentials of his grandfather-Vishnu Jairam Daji Sawant, who passed away in the year 1993. However, he relied on the 1901 extract, the validity of which remains under suspicion. The statements recorded by the Vigilance Cell during the inquiry demonstrate that the Petitioner belongs to the '*Maratha*' caste. No fault can be found with the impugned order and the petition be dismissed. In support of his submissions, he relied on the decisions of this Court, which are considered in the latter part of the judgment.

7. We had called for the original record from the office of Caste Scrutiny Committee and inspected the same. The Petitioner's claim towards the '*Kunbi*' caste is based on the death entry dated 29th December 1901 of Waman Jairam Daji Sawant, resident of Khedshi, wherein the caste is mentioned as '*Kunbi*'. The Petitioner claims that, the said Waman Jairam Daji Sawant was the real brother of his grandfather. The genealogy submitted by the Petitioner before the Respondent No.2-Scrutiny Committee shows that, he was the son of Rajaram. Rajaram is shown to be the son of Vishnu. Vishnu is shown to be the son of Jairam Daji Sawant. Waman and Bhagi are shown as the brothers of Vishnu. The said entry of 1901 is from the revenue record from the office of Tahsildar, Ratnagiri. The record shows that the Vigilance Cell during the inquiry sought information in respect of the said entry and the copies of documents of the record from the office of Tahsildar, Ratnagiri came to be provided from the office of Tahsildar, Ratnagiri to the Vigilance Cell by communication dated 28th January 2026. The said communication shows that, the Tahsildar, Ratnagiri provided the information in respect of the said entry of 1901 of Waman Jairam Daji Sawant that; the said entry was from the Birth and Death Register maintained by the Tahsil Office; there was no interpolation in the said register; the entries in the register were in *Modi* script; the original record in the *Modi* script was not available and the said entry was provided from the register, which was rewritten.

8. The record shows that, the copies of the said register titled as 'Village Format No. 14' were provided vide the said letter. The impugned order shows that, the copies of the said register provided by the Tahsildar, Ratnagiri is considered by the Respondent No.2-Scrutiny Committee. The Respondent No.2-Scrutiny Committee recorded the finding that, *the said document having the name Waman Jairam Daji Sawant showing his caste as 'Kunbi', was from the Village Format No. 14. The relation between the applicant and Waman Jairam Daji Sawant is not established from the documents. Perusal of the copies from the Village Format No.14 Register from the office of Tahsil, Ratnagiri shows that on the first page, it is written 'Book No. 1, pages No. 1 to 13'. The said register is of the year 1901. The writings in the said register was in Modi script. The pages are from 1 to 17. There are 26 entries in respect of birth. The last birth entry in the said register was dated 3rd December 1901 (Entry No. 26 on page No. 000013 in the birth column). There are 25 death entries in the said register. The last death entry was dated 2nd December 1901 (Entry No. 25 on page No. 000013 in the column of death). Thereafter, the entries on the page No. 00013 of the said register appears to be the last birth and death entries of the year 1901. On Page No.000013, the word 'examined' and the date of examination is written as '01.06.1902 after the death Entry No.25 and below that, there is the signature and the designation of the verifying officer. Likewise, on Page No.000013, in the*

birth column, summary of birth of 14 boys and 12 girls in that year is mentioned. On page No. 000013, in the column of death, it is mentioned that in the said year, 13 males and 12 females died. Thus, upon scrutinising and examining summary of the entries in the Register, it is not possible that there would be the entries in respect of birth and death in the year 1901, because the pages thereafter bearing handwritten number as 13, 14 and 15 are blank and there is no entry in respect of birth and death on the said pages. On the page upon which number 16 is written by hand, there is the death entry of Waman Jairam Daji Sawant mentioning the date as 29.12.1901, resident of Khedshi, Caste-Kunbi, Age 11 and death due to fever. There is no serial number to the said entry. In the register, the last death entry was at Sr.No.25 and there were three blank pages in between and the said entry on the Page No.16 was interpolated, as seen from naked eyes. The said entry appears to be false and fabricated. On Page No.17 of the said register, it is mentioned that the Register contains Page Nos.1 to 17. The report of the Tahsildar, Ratnagiri dated 28.01.2020 was distorted. As per Point No.4 from the said report, the original record in the Modi script was not available and the extract was given from the rewritten register. On the remaining blank pages of the register, the said entry was seen interpolated in the Modi script and by translating the same in Marathi, the death certificate was issued. The observations in Point No.3 to 5 in the report of Tahsildar were incorrect. The said death entry of Waman Jairam Daji Sawant was false."

9. Perusal of the copies of the said documents provided by the Tahsildar, Ratnagiri vide the aforesaid letter shows that, the above observations by the Respondent No.2-Scrutiny Committee are based on the said document. The said observations by the Committee are found to be in consonance with the copies of the said documents having the death entry of Waman Jairam Daji Sawant. Admittedly, no expert opinion is sought by the Respondent No.2-Scrutiny Committee or the Vigilance Cell in respect of the said death entry relied upon by the Petitioner. The learned counsel for the Petitioner relied on the Judgment of Hon'ble Apex Court in the case of ***Sayanna vs. State of Maharashtra & Ors.***¹ which was relating to the claim towards the 'Mannerwarlu' Scheduled Tribe. In the said case the Police Inspector of the Vigilance Cell had stated that the word 'lu' was subsequently added, while recording the caste of the Appellant therein as '*Mannerwarlu*' in the school register. The Committee had concurred with the said report of Vigilance Cell and came to the conclusion that the word 'lu' was interpolated. It was observed that it was difficult to understand as to on what basis the Scrutiny Committee came to the conclusion that the word 'lu' was interpolated in the register of the school, more particularly, when it was not opined by the Police Inspector, who had conducted the inquiry. It was observed that, whether interpolation by

1 (2009) 10 SCC 268.

addition has taken place can be stated by a Handwriting Expert or by comparison of admitted letters of a person with the disputed one 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 and it was observed that the finding by the Scrutiny Committee in respect of interpolation was regarded as based on no credible evidence.

10. In the case at hand, for want of expert opinion, the observations/ findings of Respondent No.2-Scrutiny Committee cannot be ignored as the same is based on the material available on record in the nature of copies of the documents available from the Tahsildar office. The entry of Waman Jairam Daji Sawant is not in continuation of the entries in the said register. It is the isolated entry on Page No.16 written in hand after the blank pages at Sr.No.13, 14 and 15. Neither there is the serial number to the said isolated entry, nor having any remarks in respect of its verification by the concerned officer. The said isolated entry, which is relied upon by the Petitioner, is highly suspicious, as is clear from the above observations. True it is that as per the decision in the case of ***Kumari Madhuri Patil & Anr. v. Additional Commissioner, Tribal Development & Ors.***² relied upon by the learned counsel for the Petitioner, the entries of pre-Constitution period has the great

² (1994) 6 SCC 241.

evidentiary value. However, since the said pre-Constitution era entry relied upon by the Petitioner being suspicious and not the credible material, the same cannot form the basis to validate the Petitioner's claim towards '*Kunbi*' caste. No fault can be found with the observations made in the impugned order discarding the said pre-constitution era entry relied upon by the Petitioners. In absence of any mandate to summon the Tahsildar, Ratnagiri by the Respondent No.2-Committee before considering the said pre-constitution era entry and non-examining the Tahsildar, Ratnagiri by the Respondent No.2-Scrutiny Committee will not vitiate the impugned order.

11. Another ground for invalidation of the Petitioner's claim towards '*Kunbi*' caste is that the caste '*Maratha*' is shown in the school leaving certificates of the Petitioner's father Rajaram Vishnu Sawant and Petitioner's uncles namely Yashwant Vishnu Sawant and Maruti Vishnu Sawant. It is clear from the record that, the said school leaving certificates of the Petitioner's father and uncles were furnished by the Respondent No.5-Complainant. The copies of the said school leaving certificates, which are in the file of Respondent No.2-Scrutiny Committee, shows that, the admission of the Petitioner's uncle Yashwant was dated 1st April 1935, the admission of the Petitioner's uncle Maruti in the school was dated 8th June 1942, and the school

admission of Petitioner's father Rajaram was dated 17th May 1939. The record shows that the Vigilance Officer by letter dated 11th February 2026 addressed to the Headmaster of the Zilla Parishad Central School, Khedshi No.1, Taluka and District Ratnagiri sought the necessary information in respect of the copies of the said school leaving certificates of Petitioner's father and uncles. The record further shows that, the Headmaster of the said school provided the information to the Vigilance Officer and supplied certified xerox copies from the school general register having the entries of Maruti Vishnu Sawant, Rajaram Vishnu Sawant and Yashwant Vishnu Sawant showing the aforesaid dates as the date of their admission in the school. The information supplied by the Headmaster of the school shows that, the caste of the Petitioner's father and uncles is recorded as '*Maratha*'. The said entry, as is clear from the date of the school admission, clearly shows that the said entries are also prior to 1950, i.e., of the pre-constitution era. There is no challenge to the said document provided by the school Headmaster in respect of Petitioner's father and uncles. The only contention of the Petitioner in respect of the said '*Maratha*' caste entry against the names of Petitioner's father and uncles, as can be seen from the response to the show cause notice, is that the said documents, i.e., the school record, will not prevail over oldest documents on record. The Respondent No.2-Scrutiny Committee has rightly observed that, the

said three documents from the school were of pre-constitution period and as per the decision in ***Kumari Madhuri Patil & Anr. (supra)***, have more probative value. When undisputedly the 'Maratha' caste entries against the name of the Petitioner's father and uncles are of pre-constitution era, the same cannot be ignored and have more probative value.

12. It is clear from the record, on which there is no dispute, that the Petitioner did not disclose the said 'Maratha' entries to the Respondent No.2- Scrutiny Committee. It is the Respondent No.5-complainant, who brought on record the said material. This indicates that the Petitioner suppressed the said material in respect of the school record of his father and uncles from the Respondent No.2- Scrutiny Committee. In the light of the above discussion, the judgments in the case of ***Anand v. Committee for Scrutiny***,³ ***Veena Ashok Godse v. State of Maharashtra & Ors.***⁴ ***Maharashtra Adiwasi Thakur Jamaat Swarakshan Samiti v. State of Maharashtra & Ors.***,⁵ ***Yogesh Madhav Makalwar v. State of Maharashtra & Ors.***,⁶ ***Minakshi Manohar Gholap v. State of Maharashtra & Ors.***,⁷ and ***Shri Pratap Singh v. Shivram***⁸ relied by the learned counsel for the Petitioner will not enure to the benefit of the Petitioner.

³ (2012) 1 SCC 113.

⁴ Civil appeal No.19968 of 2017 Dtd. 29th November 2017.

⁵ 2023 SCC OnLine SC 326.

⁶ AIR 2025 SC 3746.

⁷ Writ Petition No.2204 of 2014 Dtd. 28th January 2015.

⁸ AIR 2020 SC 1382.

13. Once, the entry of 1901 showing the caste as '*Kunbi*' is found to be not credible material and suspicious, what remains is the pre-constitution era entries in the school record of the Petitioner's father and uncles showing the caste as '*Maratha*'. The impugned order goes to show that Respondent No.2-Scrutiny Committee considered the documents on record, including the reply given by the Petitioner to the show cause notice and the written submissions submitted by the Petitioner before the Respondent No.2-Scrutiny Committee. The impugned order is a reasoned order. Consideration of the judgments cited by the learned counsel for the Respondent No. 5 is not necessary, in the backdrop of the above discussion. In this view of the matter, we see no reason to interfere with the impugned order of invalidation of the Petitioner's caste claim towards '*Kunbi*' (OBC). The petition fails. Hence, the following order:

ORDER

- i) The Writ Petition stands dismissed.
- ii) The record of Respondent No.2-Scrutiny Committee be returned to the learned AGP.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]