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

WRIT PETITION NO. 3068 OF 2026

Smt. Madhuri Sunil Mudhale

...Petitioner.

Versus

The District Caste Certificate Scrutiny Committee,
Kolhapur and Others

...Respondents

Adv. Wasim Samlewale i/b Tejpal Ingale for the Petitioner.

Mr. N. C. Walimbe, Addl GP a/w Ms. Tejas J. Kapre AGP for the Respondent-State.

*Adv. Vishal V. Mane a/w Nikita J. Salunkhe, Asmita N. Chougale, Sakshi M. Lokare
And Bhimsen B. Kamble for Respondent No. 3.*

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

Date : September 24, 2026.

P. C. :

1. By consent of both the sides, heard finally at the admission stage.
2. Impugned in this Writ Petition is the order dated 16th June, 2026 passed by the Respondent No. 1 Scrutiny Committee invalidating the claim of Petitioner towards Dhangar (Nomadic Tribe-C).
3. The Petitioner claims to be belonging to the Dhangar (Nomadic Tribe-C). The Competent Authority issued the caste certificate to the Petitioner as belonging to the Dhangar (Nomadic Tribe-C). The Petitioner contested the general elections to the Hupari Municipal Council in the year 2025 from the seat reserved for the woman from the backward category. The Petitioner got elected as the Councilor to the

said Municipal Council by defeating Respondent No. 3. The Petitioner's caste certificate was referred to the Respondent No.1 Scrutiny Committee for verification. The Petitioner relied on the caste certificate issued in her name by the Competent Authority, on the school leaving certificate in the name of the Petitioner, on the school leaving certificate in the name of Petitioner's brother Anand Shamrao Athanikar, and on the birth entry of 1st May, 1960 of her father Shamrao Vitthal Athanikar.

4. The Respondent No.3 submitted the complaint to the Respondent No. 1 Scrutiny Committee that, Petitioner do not belong to the Dhargar (Nomadic Tribe-C) Tribe and false documents were submitted in support of the caste claim. The Respondent No. 1 Scrutiny Committee directed the inquiry by the Vigilance Cell. The Vigilance Cell conducted the inquiry and submitted its report. The copy of the report was served on the Petitioner along with the notice by the Respondent No. 1 Scrutiny Committee. The Petitioner submitted her say to the said report. After considering the documents on record, the Respondent No. 1 Scrutiny Committee passed the impugned order invalidating the caste claim of the Petitioner.

5. It is submitted by learned counsel for the Petitioner that, one of the ground on which the Petitioner's claim is invalidated is that, the Petitioner was not the resident of State of Maharashtra prior to the

deemed date 21st November 1961. The Petitioner could lay hands to the voters' list of 1958 of the Hatkanangle Constituency for the Legislative Assembly of the Erstwhile Bombay State, wherein the names of Petitioner's grandfather Dhangar Vitthu Bapu, Petitioner's great-grandmother Dhangar Balabai Bapu and Petitioner's grandmother Dhangar Santubai Vitthu were included as the voters at serial Nos. 17, 18 and 19. From the said document, it was clear that, prior to the said deemed date, the Petitioner's ancestors were the resident of Pattankodoli which was the part of the Erstwhile Bombay State. This document was sufficient to hold that, the ground of non-resident of the State of Maharashtra prior to the said deemed date recorded by the Respondent No. 1 Scrutiny Committee will not sustain. He further submitted that, the birth entry of the Petitioner's father, which was prior to the said deemed date, was discarded by the Respondent No. 1 Scrutiny Committee on the ground that, it was interpolated. The said observation of the Respondent No. 1 Scrutiny Committee was not supported by any opinion from the expert and therefore the said ground for rejection of the Petitioner's claim would be unsustainable. He relied on the decision in *Nayabrao and others versus Scheduled Tribe Caste Scrutiny Committee and Another*; [2026 SCC OnLine Bom 3865]. He submitted that, the petition be allowed by setting aside the impugned order passed by the Respondent No. 1-Scrutiny Committee and the

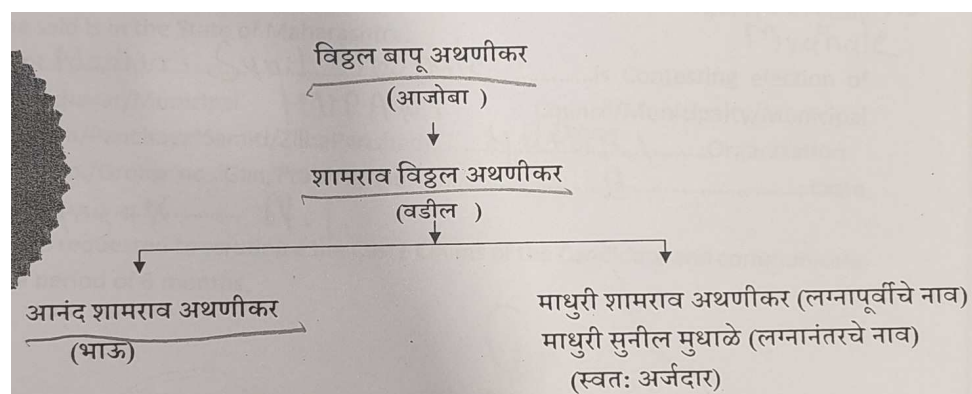
order passed by Respondent No. 2-District Collector cancelling the Petitioner's membership as the Councilor of the Hupari Municipal Council.

6. It is submitted by learned AGP for the Respondents Nos. 1 and 2 that, the Petitioner failed to prove before the Respondent No. 1 Scrutiny Committee that, she belong to the Dhangar (Nomadic Tribe-C). The birth entry dated 1st May, 1960 of the Petitioner's father from the Gram Panchayat record was found to be interpolated and the Committee on the basis of the said interpolation discarded the said documentary evidence which was relied by the Petitioner. As the interpolation was clearly seen from the record of Gram Panchayat, calling of the expert opinion was not necessary. He further submitted that, the Petitioner failed to prove that, her ancestors were the resident of State of Maharashtra prior to the aforesaid deemed date. The impugned order shows that, the Respondent No. 1 Scrutiny Committee considered the documents available on record and gave reasons in support of the invalidation of the Petitioner's caste claim. He submitted that, there was no merit in the petition and the same be dismissed.

7. The original file of the Respondent No. 1 Scrutiny Committee in respect of the Petitioner's caste claim was made available by the learned AGP. We perused the impugned order and the original record. The Petitioner's caste claim is invalidated on two grounds: (1) the oldest

entry dated 1st May 1960 was found interpolated; (2) the Petitioner failed to show that, her ancestors were the resident of State of Maharashtra prior to the deemed date 21st November 1961.

8. The Petitioner submitted the following genealogy before the Respondent No. 1 Scrutiny Committee which is not disputed :



The Petitioner based her caste claim on the birth entry of her father Shamrao Vitthal Athanikar recorded in the birth and death register maintained in Form No. 14 of the village Pattankodoli, Taluka Hatkanangle, District Kolhapur. The record shows that, the Vigilance Cell conducted the inquiry in respect of the said record in which the said birth entry was made. The Respondent No. 1 Scrutiny Committee noted that, the said birth entry in the name of Shamrao Vitthal Bapu Athanikar was on page No. 7 of the birth-death register at serial No. 74 and on page No. 8 the entries were from serial No. 74 to 89. On page No. 7 there was the extract/summary in respect of the births and deaths in the month of April 1960 which was found to be interpolated. The

Committee observed that, it was clear that the entry at serial No. 74 on page No. 7 was interpolated and therefore the said document cannot be relied.

9. The colour photocopy of the relevant pages from the said birth-death register of village Pattankodoli, Taluka Hatkanangle, District Kolhapur of the year 1960 are the part of the record. The said copies are of the format No. 14 in respect of birth and death register of said village. On page No. 7, there are four entries and the last entry is given serial No. 74 which is dated 1st May, 1960 showing the birth of one baby boy against the name Shamrao Vitthal Bapu Athanikar, Dhangar, Hindu. On page No. 8 of the said register, the first entry is also given serial No. 74 dated 5th May, 1960 and the last entry is serial No.89 dated 21st May, 1960. On page No. 7 of the said register, there is extract/summary of the births and deaths for the month of April 1960. On close scrutiny of the said colour photocopies/xerox of page Nos. 7 and 8 of the said birth and death register, it becomes clear that, the first three birth entries on page No. 7 are of the month April 1960. The last entry on page No. 7 at serial No. 74 is dated 1st May, 1960. The entries on page No. 8 are of the births and deaths in the month of May 1960. The extract/summary on page No. 7 shows that 14 (overwritten) male child and 4 girl child gave birth, there were 2 deaths of male persons and 3 deaths of women. The total number below the column of birth is shown as 18 (overwritten)

and the total number below the death column is shown as 5, and the value after its subtraction is shown as 12. By naked eye, it is seen that the second number in the birth column of the summary/extract against the male child is corrected. The total number of male births is corrected to 14 and the total is corrected to 18. Subtracting number 5 from number 18, the result should be 13. However, the result of subtraction is shown as 12. It is thus clear from the summary/extract of births and deaths given on page No. 7 of the said register that, the number of male births is tampered and increased by one (1) and the total number of births is also tampered and increased by one (1).

10. The photocopies of the page Nos. 7 and 8 from the said register are reproduced below for clarity :

[illegible]

[illegible]

12. It is clear from the said documents that, the entry at serial No. 74 dated 1st May, 1960 showing the birth of one male child against the name Shamrao Vitthal Bapu Athanikar is interpolated. When the entries are made month wise on separate pages, it is strange and highly suspicious as to how the birth of May month is shown on the page having the birth entries for the month of April. Further, the number 5 in the birth date at Serial No. 74 on page No. 7 is overwritten. The entry of May 1960 in normal course would have been on page No. 8 which shows the birth and death entries in the village for the month of May. The page No. 7 of the said register was for the entries pertains to the month of April. By comparing the aforesaid documents, it becomes more than clear that there was interpolation and tampering in the official record. Therefore, it is clear that the entry at serial No. 74 dated 1st May, 1960 on page No. 7 was not made in the normal course and rightly discarded by the Respondent No. 1-Scrutiny Committee. With this clear case of interpolation and tampering, the observations made by the Respondent No. 2 Scrutiny Committee in respect of the interpolation and tampering cannot be faulted and cannot be discarded for want of expert opinion. The need for expert opinion does not arise when the page No. 7 of original record is juxtaposed with the tampered page No. 7. With the above discussed material on record, the decision in Nayabrao (supra) is of no assistance to the Petitioner.

13. As regards the second ground for invalidation of the Petitioner's caste claim that, her ancestors were not the resident of State of Maharashtra prior to the deemed date 21st November, 1961 is concerned, undisputedly, the Petitioner did not place on record before the Respondent No. 1-Scrutiny Committee, the document to show that, her parents or the ancestors were the resident of the State of Maharashtra prior to the said deemed date. It is before this Court, the petitioner has submitted the additional affidavit dated 3rd August, 2026 stating that, in the electoral roll of 1958 the names of her paternal ancestors were recorded as the resident of village Pattankadoli, Taluka Hatkanangale, District Kolhapur, which was prior to the said deemed date. The copy of the voters list of the year 1958 in respect of the Hatkanangale Constituency of the erstwhile Bombay State is enclosed with the affidavit. This document was not before the Respondent No. 1-Scrutiny Committee. As the Respondent No. 1-Scrutiny Committee had no opportunity to deal with the said voters list, we do not find it necessary to make observation on the said document. Even if the same is accepted, the first ground in respect of interpolation and tampering in the aforesaid public record, as discussed above by itself is more than sufficient to uphold the impugned order of invalidation of caste claim of the Petitioner.

14. The Petitioner failed to prove her caste claim before the Respondent No. 2 Scrutiny Committee. The school leaving certificate issued by the Headmaster, Esther Patton Highschool, Kolhapur in the name of the Petitioner records the Petitioner's caste as 'Maratha.' It is needless to state that Section 8 of 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 provides that, the burden to prove the caste is on the person who claims that he belongs to a particular caste. The Petitioner failed to discharge the said burden. Respondent No. 2 Scrutiny Committee has passed a reasoned order which calls for no interference.

15. Undisputedly, the Petitioner contested the general elections to the Municipal Council, Hupari and got elected on the seat reserved for the woman from the reserved category. The Petitioner relied on the interpolated document in support of her caste claim. The provisions of Section 11 of 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 provides for penal action in such cases. The said section reads as under:

"11. Offences and penalties.

(1) *Whoever,-*

- (a) *obtains a false Caste Certificate by furnishing false information or filing false statement or documents or by any other fraudulent means; or*
- (b) *not being a person belonging to any of the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category secures any benefits or appointments exclusively reserved for such Castes, Tribes, or Classes in the Government, local authority or any other company or corporation owned or controlled by the Government or in any Government aided institution, or secures admission in any educational institution against a seat exclusively reserved for such Castes, Tribes or Classes or is elected to any of the elective offices of any local authority or co-operative society against the office, reserved for such Castes, Tribes or Classes by producing a false Caste Certificate; Shall, on conviction, be punished, with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years or with fine which shall not be less than two thousand rupees, but which may extend upto twenty thousand rupees or both.*

(2) *No court shall take cognizance of an offence punishable under this section except upon a complaint, in writing, made by the Scrutiny Committee or by any other officer duly authorised by the Scrutiny Committee for this purpose."*

Considering the facts and circumstances of the case, the Respondent No. 2 Scrutiny Committee may consider invoking the said

provision if it deems fit. In the backdrop of the above discussion, we proceed to pass the following order:

ORDER

- a)** The writ petition is dismissed.
- b)** The original record be returned to the learned AGP to be returned to the Respondent No. 2 Scrutiny Committee.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]