

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

WRIT PETITION NO. 2819 OF 2017

Sunita Balu Rathod,
Aged 29 years,
Residing at Ainvali, Post Mohone,
Tal. Khed, Dist. Ratnagiri.

.....Petitioner

--Vs.--

1. State Of Maharashtra,
Through its Secretary,
Social Justice Department,
Mantralaya, Mumbai – 32.
2. District-wise Caste Certificate
Scrutiny Committee through
its Member Secretary, having its office
at Dr. Babasaheb Ambedkar Samajik
Nyay Bhavan, Kuvarbav, Opposite
Power House, Ratnagiri, Dist. Ratnagiri.
3. Sub Divisional Officer (Revenue),
Dapoli Sub Division, Dapoli,
District Ratnagiri.
4. Zilla Parishad, Ratnagiri,
through its Chief Executive Officer,
Dist. Ratnagiri.

.....Respondents

Mr. Ramchandra K. Mendadkar, Advocate for Petitioner.
Mr. A. I. Patel, Addl.G.P for Respondents/State.
Mr. Prashant D. Daingade, Law Officer, Caste Scrutiny Committee,
Ratnagiri.

**CORAM : MRS. VRUSHALI V. JOSHI,
SANDESH D. PATIL, JJ.**

DATED : 27th JULY 2026

ORAL JUDGMENT : (PER - SANDESH D. PATIL, J)

1. By the present Writ Petition, the petitioner is challenging the judgment and order dated 31.01.2017 passed by the Respondent No.2 – Committee. The further directions to the Respondent No.2 – Committee to issue Certificate of Validity in respect of Caste Certificate dated 05.03.2003 issued by the Respondent No.3 – Competent Authority.

2. A case of the petitioner is that, the petitioner is belonging to the caste 'Laman' which is recognized as VJNT in the State of Maharashtra. The father of the petitioner was born in village Furus, Taluka Khed, District Ratnagiri on 07.08.1957. However, because of wandering nature of the tribe and widespread ignorance and illiteracy, his birth was not recorded. It is her case that the petitioner was born in the village Shiv Budruk, Taluka Khed, District Ratnagiri on 05.06.1986 which is evident from School Leaving Certificate. She had relied upon the School Leaving Certificate dated 05.06.1986.

The petitioner further stated that she was issued Caste Certificate by the Respondent No.3 on 05.03.2003. It is the contention of the petitioner that she joined the services of Zilla Parishad with effect from 19.07.2013. At that time, the Caste Certificate was referred to Respondent No.2 – Committee for verification on 19.10.2013 by the said Respondent No.4. Thereafter, the Vigilance Cell attached to the Respondent No.2 – Committee, has caused home enquiry, the Enquiry Officer of the Vigilance Cell followed the mandate of Caste Certificate Rules and recorded statement of elderly and responsible persons of village Furus, Taluka Khed, District Ratnagiri. Ultimately, the enquiry report was submitted on 24.11.2014. The Respondent No.2- Committee issued show cause notice to the petitioner on 14.05.2015 stating that the petitioner has not submitted documentary evidence prior to 21.11.1961 (the cut-off date) and the report of vigilance cell clearly shows that family of the petitioner is from the State of Karnataka. Thereafter, the petitioner filed a reply to the said Vigilance Cell Report. The petitioner was heard in the matter.

3. Thereafter, the petitioner filed Writ Petition bearing No.1120 of 2016 in this Court challenging the order dated 22.12.2015 passed by the Respondent No.2 - Committee. During the pendency of the said petition, one witness namely Sahadeo Bapu Pawar in whose house the grandfather of the petitioner was allegedly residing stated that the said family was the tenant since 1954. This Court, after hearing all the sides, had passed an order thereby remanding the matter back to the Committee once again. It is on the basis of this order of remand passed by the High Court in Writ Petition bearing No.1120 of 2016, the impugned order was passed.

4. Mr. Mendadkar, the learned Counsel appearing for the petitioner stated that, the petitioner belongs to caste 'Laman', which is recognized as 'Nomadic Tribe'. It is contended by Mr. Mendadkar that they were migrant and they hardly had any documents because their family was illiterate. He stated that the cut-off date was 21.11.1961 and that the landlord of the petitioner was examined by the Committee. The same landlord was before the High Court while deciding Writ Petition No.1120 of 2016. He placed much stress upon the order dated 16.12.2016 passed by this Court in Writ Petition

No.1120 of 2016 to contend that the Court had taken a view that there is no dispute that the family of the petitioner was resident of State of Maharashtra before the cut-off date. He stated that in the light of this, the Committee should have validated the caste claim of the petitioner. He further stated that the landlord was examined in detailed by the Committee after the order of remand passed in Writ Petition No.1120 of 2016. He stated that after the examination of the said landlord, he had given correct answers thereby indicating that the family of the petitioner was residing at village Furus, Taluka Khed, District Ratnagiri since 1954. He thereafter, has pointed out that there was a Vigilance Report dated 24.11.2014, and stated that the Vigilance Report is in favour of the petitioner. He stated that the word 'ordinarily resides' is important and that the word 'permanent resident' does not have much place while deciding the issue of validity. He relied upon Rule 5 of the Caste Certificate Rules to argue that it was Khed where the petitioner was ordinarily residing and that only by mentioning the permanent place of residence as Vijapur could not take away the case which was put up by the petitioner. He stated that the order passed by the authority is totally bad in law contrary to the settled principles of law and various judgments which

are on this issue.

5. He invited our attention to one certificate which is issued in favour of one of the cousin aunt of the petitioner namely Shanta Lalsingh Rathod. This certificate was brought on record by the petitioner by filing an additional affidavit dated 14.11.2024. This certificate was issued on 13.06.2008. Learned Counsel Mr. Mendadkar submitted that although the certificate was issued in 2008, however, it could not be produced before this Court and he has not relied upon the said certificate.

6. The learned Addl.G.P. at the outset drew our attention to one letter written by the petitioner to the Committee. In the said letter dated 03.11.2022, the petitioner had contended that the said certificate which was obtained by her paternal aunt namely Shanta Lalsingh Rathod, was obtained by misrepresentation and fraud and therefore, that certificate should be set aside. The learned Addl.G.P. states that on this ground itself the said certificate which is annexed by the petitioner to this additional affidavit should not be relied upon. The said letter dated 03.11.2022 which was a original copy, was tendered before us and same was taken on record and the

original was returned back to the learned Addl.G.P. by keeping the photo copy of the same on record. The said document was put up before the petitioner, who was present in the Court. She did not deny this letter dated 03.11.2022.

7. The learned Addl.G.P. stated that the letter dated 03.11.2022 was suppressed by the petitioner and only on this ground the petition deserves to be dismissed. He relied upon the judgment in the matter of *Dalip Singh Vs. State of Uttar Pradesh & Ors.* reported in (2010) 2 SCC 114 in order to contend that fraud vitiates proceedings and only on this ground this petition should be dismissed.

8. The learned Addl.G.P. further relied upon the documents on basis of which is the impugned order. He stated that the order was correctly passed. He stated that the said application which was made by the petitioner was interestingly not annexed to the petition and, therefore, the learned Addl.G.P. has tendered the same on record. The same is also taken on record.

9. The learned Addl.G.P. stated that the entire case of the petitioner is based only upon the affidavit of Sahadeo Bapu Pawar

and that the petitioner has not relied upon any documents neither her own School Leaving Certificate nor the Death Certificate of her grand parent. The Birth Certificate of the Petitioner's father is relied on. That Birth Certificate was issued in the year 2013 i.e. during pendency of the proceedings before the Court. The learned Addl. G.P stated that the said Birth Certificate should not be taken on record. The learned Addl.G.P has taken us through the entire impugned order where the analysis is made as to why the authority below has decided not to give any credit to the evidence of Sahadeo Bapu Pawar.

10. He stated that the entire evidence of Sahadeo Bapu Pawar would not stand to test in the light of the documents submitted by the petitioner themselves. In the petition, the petitioner has submitted that the birth place of the parents was Ainavali, whereas Sahadeo Bapu Pawar states that the birth place of her parent i.e. her father is of another place. He stated that in the light of the aforesaid documents produced on record by the petitioner themselves, the statement of Sahadeo Bapu Pawar, cannot be relied. He relied upon the judgment dated 11.06.2026 delivered by this Court in the matter

of *Shri Annasaheb Rajaram Matiwadar Vs. District Caste Scrutiny Committee, Ratnagiri and Anr. [Writ Petition Stamp No.93705/2020]*, wherein one of us (Mrs. Vrushali V. Joshi, J.) was a member. He stated that the entire case of the petitioner is upon misrepresentation and only on the basis of the oral evidence of Sahadeo Bapu Pawar, it deserves to be discarded.

11. Heard the learned Counsel appearing for both the sides. Perused the documents on record.

12. At the outset, we must mention that the petitioner has filed an additional affidavit on page No.128 of the petition wherein it is stated that there was a dispute in their family and, therefore, the certificate of cousin aunt from paternal side namely Shanta Rathod could not be handed over. She has produced that certificate dated 13.06.2008 at Exhibit- A to the said additional affidavit. We have also perused the copy of the letter written by the petitioner to the Respondent on 03.11.2022 where she has made a categorical reference that the certificate is obtain by misrepresentation and that certificate should be cancelled. Interestingly, this letter is issued on 03.11.2022 during the pendency of the present Writ Petition. It was

for the petitioner to point out this important aspect to this Court. The petitioner has however chosen not to point out this aspect to the Court, on the contrary, today also during the argument, the learned Counsel Mr. Mendadkar had referred to this certificate and he vehemently argued that this certificate should be taken into consideration and the matter should be remanded. Before we proceed to the other aspect, another important aspect is that in the application which the petitioner had preferred before the Caste Scrutiny Committee (which is not annexed by the petitioner) she has stated in column No.17 that her aunt Shanta Lalsingh Rathod (the certificate which she is relying upon) had obtained the certificate. If this is so, it was incorrectly stated in the additional affidavit that the certificate was not produced because the petitioner and her aunt were not in talking terms. That apart, the very fact that the petitioner has deliberately not brought to the attention of this Court the letter dated 03.11.2022 seems to be an act of suppression of important document from the Court. This is a case where such litigants who approach the Court with tainted hands should be dealt with by taking a strict view. We are fortified in our view by relying upon the judgment of the Apex Court in the matter of

Dalip Singh (supra). Para Nos. 1 and 2 of the said judgment reads as under :

“1. For many centuries Indian society cherished two basic values of life i.e. ‘Satya’ (truth) and ‘ahimsa’ (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”

13. For these reasons, we are not inclined to rely upon the certificate issued to the cousin aunt from parental side of the petitioner namely Shanta Lalsingh Rathod.

14. As far as the only evidence which is led from the side of the petitioner is the statement of the alleged landlord Sahadeo Pawar. The statement of the witness was recorded before the Caste Scrutiny Committee. This witness stated that he was residing at Village Furus, Taluka Khed, District Ratnagiri and that the father of the petitioner namely Balu Nimbaji Rathod was born in 1967 in his house. This in nutshell is the case of said witness Sahadeo Bapu Pawar. The evidence of the said witness shows that the petitioner was born in his house. It is interesting to note that except the oral statement of this person no other evidence is produced by the petitioner. The Caste Scrutiny Committee has examined the statement of the witness and for the reasons mentioned in the impugned judgment and order decided to disbelieve the said witness. The said statement is totally contrary to the certificate dated 28.11.2013, certifying that the father of the petitioner was born at village Ainavali and not at Village Furus. Thus, this is a major discrepancy in the statement of the said witness. Apart from this oral evidence, nothing was brought before the authority as to test veracity and correctness of this witness. The Caste Scrutiny Committee correctly held that the statement of witness Sahadeo Pawar given to the Vigilance Committee and the

Birth Certificate issued to the father of the petitioner are contrary. The Committee correctly held that if the petitioner was born in Village Furus then at least the Birth Certificate of the said witness should have been on record. The Committee correctly considered the fact that even the Birth Certificate of the father is not on record and what is brought on record is the Certificate of year 2013. The learned Authority also correctly considered that the death certificate of the grand father of the petitioner is also not on record. All these reasons cumulatively led the Caste Scrutiny Committee to come to the conclusion that the case of the petitioner was not believable and has rightly rejected the same. This Court in the matter of *Shri Annasaheb Matiwadar (supra)* has after relying upon the judgment of the Apex Court in the matter of *Bir Singh Vs. Delhi Jal Board & Ors.* reported in *(2018) 10 SCC 312* came to the conclusion that the caste which are registered in a particular category in a particular State may not be useful for the purpose of decision whether the same caste belongs to the same category in the Migrant State.

15. Having considered the entire conspectus of the matter, having considered the reasoning given by the Caste Scrutiny Committee and

having considered the application which is given by the petitioner, we are of the considered view that the petitioner has miserably failed to prove her birth in village Furus, Taluka Khed, District Ratnagiri. We are also fortified in our view by relying upon the report dated 24.11.2014 issued by the Vigilance Cell Committee where it is specifically stated that the petitioner has not relied upon the birth certificate or the School Leaving Certificate of herself.

16. We have already observed in the foregoing paras that the petitioner has not approached the Court with clean hands. Resultantly, we are constrained to dismiss the petition.

17. At this stage, Mr. Mendadkar, learned Counsel for the petitioner contended that there was an interim relief operating since 2017, the same may be continued. Since we have observed that the petitioner has not approached the Court with clean hand, we are not inclined to extend ad interim relief after dismissal of the present proceedings..

18. In the result, the petition fails and is dismissed.

19. The Writ Petition No.2819 of 2017 is disposed of accordingly.

(SANDESH D. PATIL, J.)

(MRS. VRUSHALI V. JOSHI, J.)

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