

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

WRIT PETITION NO.9433 OF 2016

Smt. Rehana Shamshuddin Begde]
Age – 44 years, Occupation – Service]
Residing at Bhimnagar, Chavan Galli,]
Osmanabad, Dist. Osmanabad.] **Petitioner**

versus

1. Divisional Caste Scrutiny Committee No.1]
Solapur, Ambedkar Bhavan,]
Sat Rasta, Solapur.]
2. State of Maharashtra] **Respondents**

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Mr. Balaji P. Shinde a/w Mr. Sanket S. Rajmane i/b Mr. Ashok B. Tajane,
Advocates for Petitioner.

Mr. Atul P. Vanarase, A.G.P., for Respondents – State.

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**CORAM : RAJESH S. PATIL AND
ABHAY J. MANTRI, JJ.**

**RESERVED ON : 23rd SEPTEMBER, 2026.
PRONOUNCED ON : 7th OCTOBER, 2026.**

JUDGMENT: [PER ABHAY J. MANTRI, J.]:

1. **Rule.** Rule made returnable forthwith and, by consent, taken up for final hearing.
2. Heard learned Advocate for the Petitioner and learned A.G.P. for the Respondent.

3. The Petition questions the order dated 24th June 2016 (27th June 2016) passed by Respondent No.1 – Divisional Caste Scrutiny Committee No.1, Solapur (for short, “*the Committee*”), whereby the claim of the Petitioner that she belongs to ‘*Momin*’, Other Backward Class (for short, “*O.B.C.*”), has been invalidated.

4. The Petitioner claims that she belongs to the ‘*Momin*’ O.B.C. caste. Accordingly, the Deputy Collector issued a caste certificate in her favour on 1st September 1997. By order dated 22nd January 2007, the Petitioner was appointed as a “Staff Nurse” by the Deputy Director of Health Services, Latur. Pursuant thereto, the Petitioner submitted her caste certificate along with the relevant documents to the Deputy Director of Health Services, Latur, who, in turn, forwarded the same to Respondent No.1–Committee for verification.

5. Since Respondent No.1–Committee was dissatisfied with the documents submitted by the Petitioner through the Deputy Director of Health Services, Latur, those documents were forwarded to the Vigilance Cell for conducting a detailed inquiry. Pursuant thereto, the Vigilance Cell conducted an inquiry and submitted its report to Respondent No.1–Committee on 5th March 2016.

6. Respondent No.1–Committee, vide show cause notice dated 13th April 2016, called upon the Petitioner to submit her explanation about the

entry of her caste as “*Muslim*” in her College Leaving Certificate, as also on the ground that she had not produced any document prior to the year 1967 before the Committee. On 4th June 2016, the Petitioner submitted her reply cum explanation to the said notice, explaining that her father was admitted to school in the year 1945 and, at the time of admission, his caste was not mentioned in the school records. Accordingly, she does not have documents for the period before 1967. However, she contended that she and her family were residents of the State of Maharashtra before 1967.

7. After affording an opportunity of hearing to the Petitioner and upon considering the Vigilance Cell report, Respondent No.1–Committee, vide the impugned order dated 24th June 2016 (27th June 2016), invalidated the caste claim of the Petitioner as belonging to the ‘*Momin*’ O.B.C. Aggrieved by the said order, the Petitioner has preferred the present Petition.

8. Learned Advocate for the Petitioner vehemently contended that Respondent No.1–Committee, without affording an opportunity of hearing to the Petitioner, has passed the impugned order, thereby failing to comply with the mandate prescribed under Rule 12 of the Caste Certificate Rules, 2012 (for short, “*the Rules*”). He further submitted that Respondent No.1–Committee failed to appreciate the documents placed on record in their proper perspective and erred in passing a cryptic and unreasoned order. He, therefore, submitted that the impugned order cannot be sustained in the eyes

of law. He further propounded that Respondent No.1–Committee erred in ignoring the Vigilance Cell report; therefore, the impugned order is illegal and bad in law.

9. Lastly, it is argued that the committee, in the impugned order, despite recording that there is no tradition amongst Muslims to record the sub-caste in the School Leaving Certificate/record, Respondent No.1–Committee erred in not granting validity to the caste claim of the Petitioner. It is submitted that, in such circumstances, Respondent No.1–Committee ought to have granted validity to the Petitioner's caste claim. However, Respondent No.1–Committee erred in holding that no cogent and reliable documentary evidence was produced before it in support of the Petitioner's caste claim. He, therefore, urged that the Petition be allowed.

10. Learned A.G.P. strongly opposed the Petition on the ground that the impugned order passed by Respondent No.1–Committee is based on the material produced before it. The document referred to in the chart at Sr. No. 2 is the College Leaving Certificate dated 17th August 1994, wherein the Petitioner's caste is recorded as “*Muslim*”. Upon considering the said document, Respondent No.1–Committee rightly invalidated the Petitioner's caste claim of belonging to the ‘*Momin*’ O.B.C. caste. He further submitted that the Petitioner has failed to discharge the burden cast upon her to establish that she belongs to the Momin O.B.C. caste. He, therefore, urged

that the impugned order passed by Respondent No.1–Committee is just, legal and proper and does not warrant any interference by this Court.

11. We have considered the rival submissions advanced by the learned Advocates for the respective parties and perused the impugned order as well as the record. We have also perused the original record, which has been returned to it.

12. While dealing with the rival submissions of the parties, in our view, it would be appropriate to reproduce hereinbelow the documents produced by the Petitioner before the Committee, which are crucial to determine the controversy between the parties, as under:

अ.क्र.	पुराव्याचा तपशील	जातीची नोंद	उमेदवाराशी असलेले नाते
१.	उपजिल्हाधिकारी तथा सक्षम प्राधिकारी, सोलापुर जि. सोलापुर यांनी उमेदवार बेगडे रेहाना शमशुददीन यांना निर्गमित केलेले मोमीन (इ.मा.व) जातीचे प्रमाणपत्र क्र-MAG/CASTE/SR/2357/1997 सन १९९७	मोमीन	स्वतः
२	प्राचार्य, संगमेश्वर कॉलेज, सोलापूर यांनी बेगडे रेहाना शमशुददीन यांना दिलेले शाळा सोडल्याचा दाखला, शाळा प्रवेश दि. ०७/०७/१९८९	मुस्लिम	स्वतः
३	ग्रामपंचायत तामलवाडी ता. तुळजापुर जि. उस्मानाबाद यांनी हुरमत उर्फ जुबेदा याकुब बेगडे यांच्या नावाने निर्गमित केलेले जन्माचा दाखला, निर्गम दि. २५/०६/१९९७	...	आत्या
४	सोलापुर महानगरपालिका, सोलापुर यांनी शमशुददीन याकुब बेगडे यांची दि. ०५/०१/१९९३ रोजी मृत्यु झालेबाबत मृत्यु प्रमाणपत्र दि.११/०२/१९९३ ची प्रत	...	वडील
५	चेअरमेन, मोमीन जमात ट्रस्ट सोलापुर यांनी बेगाना शमशुददीन बेगडे यांच्या नावे निर्गमित केलेला दाखला दि. १४/०७/२०१५	..	...

६	मौजे तमलवाडी ता. तुळजापुर जि. उस्मानाबाद येथील गट क्र. १६ चा उतारा प्रत दि. ०८/०८/२०१५ तसेच गाव नमुना न.८ चा उतारा प्रत	...	...
७	उमेदवार यांनी दि. १९/०८/२०१५ रोजी सादर केलेले वंशावळी प्रतिज्ञापत्र	...	स्वतः

13. It is pertinent to note that the document at Sr. No.2 is the College Leaving Certificate of the Petitioner, which indicates that she was admitted to the College on 7th July 1989 and at that time her caste was recorded as “*Muslim*”. This is the oldest document the Petitioner produced before the Committee. The other document at Sr. No.1 on which the Petitioner relies is the caste certificate issued by the Deputy Collector cum Competent Authority, Solapur, in 1997, wherein her caste is recorded as “*Momin*”. However, except the aforesaid two documents (i.e., the documents at Sr. Nos. 1 and 2), none of the documents at Sr. Nos. 3 to 7 that the Petitioner produced record the caste of the Petitioner or that of her ancestors. Therefore, the documents at Sr. Nos. 3 to 7 are not helpful to the Petitioner in support of her caste claim. It is, therefore, significant to note that the document at Sr. No.2, being the College Leaving Certificate, is the oldest document produced on record, wherein the caste of the Petitioner is recorded as “*Muslim*”.

14. It is trite law that a person who approaches the Court has to demonstrate that he or she belongs to a particular caste. Similarly, it is a

settled principle of law that a person acquires caste by birth. Documents from the pre-Constitutional era carry greater probative value than the subsequent documents. Likewise, in a claim of belonging to the ‘*Momin*’ O.B.C. caste, documents from the period before 1967 carry greater probative value. Therefore, documents from the pre-Constitutional era, or those before 1967, relating to the Petitioner or her ancestors, carry greater probative value than the subsequent entries.

15. The document at Sr. No. 2 records the caste of the Petitioner as “*Muslim*”. Therefore, the Petitioner owes an explanation for the said entry, which she has failed to furnish. The Petitioner has, thus, failed to discharge the burden cast upon her under Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backwards Classes and Special Backwards Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short, “*the Act*”). As against, she does not dispute the said entry, which records her caste as ‘*Muslim*’.

16. In *Maroti Vyankati Gaikwad and Others Vs Deputy Director & Member-Secretary, the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others [W. P. No.12/2022 decided on 17-04-2023]*¹ full bench of this court, after considering the various judgments of the Supreme Court as well as this court, has categorically held that ‘*entries in the documents have to be*

¹ 2023 SCC OnLine Bom 1991

read as they are and the same cannot be read differently'. It would be appropriate to reproduce para 17.7 of the said judgment, which reads thus:

*17.7. It would thus be clear that any claim by any tribe, sub-tribe or parts of such tribe or sub-tribe, whether having any similarity, prefix/suffix, synonymity, with the name of the tribe as mentioned in the Presidential (ST) Order 1950, of being included in such Scheduled Tribe, would not be permissible. No enquiry in respect of such a claim is permissible. No enquiry of any nature whatsoever is permissible with reference to any material, whatever it may be and in whatever form, to interpret or construe the entries in the Presidential (ST) Order 1950, which have to be read as it is. The Scheduled Tribe 'Mana' in Entry 18 has to be read as only and only 'Mana' and not as an umbrella or community and therefore, tribes with similar/synonymous names or names with a prefix/suffix to 'Mana' cannot claim any social status of a Scheduled Tribe. **Thus, persons belonging to tribes or sub-tribes such as 'Badwaik Mana', 'Khand Mana', 'Kshatriya Mana', 'Kshatriya Badwaik Mana', 'Kunbi Mana', 'Maratha Mana', 'Gond Mana', 'Mani'/ 'Mane', 'Mane Ku', 'Mana Ku', 'Ku Mana', 'Mana Kunbi', 'Patil Mana', etc cannot be held to be included in the Scheduled Tribe 'Mana', in entry 18 in the Presidential (ST) order 1950 and thus cannot claim the Status of a Scheduled Tribe.***

17. Having considered the aforesaid discussion and the document at Sr. No.2, in our opinion, the Petitioner has failed to discharge the burden cast upon her under Section 8 of the Act to establish that she belongs to the 'Momin' O.B.C. caste. The Petitioner has also failed to produce any document on record to substantiate her claim of belonging to the 'Momin' O.B.C. caste. Thus, the Petitioner has failed to explain the adverse entry in

her College Leaving Certificate, wherein her caste is recorded as “**Muslim**”, despite having been afforded an opportunity to explain the same. Apart from this, there is no reason to disbelieve the said entry in the College Leaving Certificate, as the same was recorded based on the statement made by the father of the Petitioner, which she does not dispute.

18. In view of the aforesaid discussion, in our opinion, the Petitioner cannot be said to belong to the ‘**Momin**’ O.B.C. caste. Rather, in our view, the Committee was justified in recording a finding that the Petitioner failed to establish that she belongs to the ‘**Momin**’ O.B.C. caste.

19. For all the aforesaid reasons, we are of the view that no case is made out for causing interference in the exercise of our extraordinary jurisdiction. *Consequently, the Petition being devoid of merit, is accordingly dismissed.* There shall be no order as to costs.

20. The Rule is discharged.

[ABHAY J. MANTRI, J.]

[RAJESH S. PATIL, J.]