



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 275 OF 2025

RUDRA VIJAY GUDMEWAD UNDER GUARDIAN OF REAL UNCLE
GAJANAN GANGADHAR GUDMEWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

**WITH
WRIT PETITION NO. 308 OF 2025**

PARTH SANJAY GUDMEWAD UNDER GUARDIAN OF FATHER
SANJAY GANGADHAR GUDMEWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

**WITH
WRIT PETITION NO. 285 OF 2025**

BHUMIKA RAJESH GUDMEWAD UNDER GUARDIAN OF FATHER
RAJESH GANGADHAR GUDMEWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

**WITH
CIVIL APPLICATION NO. 1974 OF 2025 IN WP / 275 / 2025**

SAUMYA SHARMA CHANDAK
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

**WITH
CIVIL APPLICATION NO. 1973 OF 2025 IN WP / 285 / 2025**

SAUMYA SHARMA CHANDAK
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

**WITH
CIVIL APPLICATION NO. 1975 OF 2025 IN WP / 308 / 2025**

SAUMYA SHARMA CHANDAK
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for the petitioners : Mr. Pratap V. Jadhavar
AGP for the respondent – State : Mr. M.K. Goyanka
Advocate for applicant in all CAs : Mr. Devendra Chauhan, Senior Advocate
i/by Mr. S.V. Dixit, Advocate

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**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

**RESERVED ON : 18 FEBRUARY 2025
PRONOUNCED ON : 27 FEBRUARY 2025**

ORDER (MANGESH S. PATIL, J.) :

We have heard the learned advocate for the petitioners in this group of petitions, the learned AGP and even the learned senior advocate Mr. Chauhan i/by Mr. Dixit for the applicants who has filed civil application no. 1974 of 2025. One Saumya Sharma Chandak, who as a competent authority, under the Maharashtra Act No. XXIII of 2001 had passed the orders which were impugned in these petitions, whereby she had refused to issue tribe certificates to these petitioners.

2. We have also perused the affidavit in reply filed by the extant competent authority - Mr. Anup Shashikant Patil.

3. While allowing the writ petitions which were taking exceptions to the similar orders of the competent authority refusing to issue caste or tribe certificates, on 09.01.2025, we had made the following observations :

4. *In spite of there being validity certificates in the family of Sanjay Gangadhar Gudmewad and Gajanan Gangadhar Gudmewad, not only the children of Vijay and Rajesh are being refused the tribe certificates, even the son of Sanjay, a validity holder, Parth has been denied tribe certificate. In spite of the Committee being alive to the validities in the family, surprisingly, it has simply overlooked such validities even at the stage of an inquiry for issuance of a tribe certificate. It is highly unbecoming of not only the competent authority who is a Sub-Divisional Officer and the Members of the Committee, to take exception to the certificates of validity, even in the proceedings under Sections 4 and 8 of the Maharashtra Act Nos.XXIII of 2001, at*

which stage, only genuineness of the documents has to be ascertained and conspicuously, no vigilance inquiry under Section 12 at that stage, is contemplated.

5. This Court has several times expressly indicated that at the stage of issuance of caste or tribe certificate, only a prima facie material has to be looked into still, neither the competent authorities nor the committees are following the decisions and taking a course not expected under the Maharashtra Act No.XXIII of 2001, and have sought to take exception to the certificates of validity issued to the blood relatives.

9. A note of this order shall be taken in the service books of the competent authorities and the members of the Scrutiny Committee. Copy be sent to the Chief Secretary, Government of Maharashtra, Mumbai forthwith.

10. The Divisional Commissioner concerned shall report compliance of these directions within four weeks.

4. As can be noticed, in spite of there being certificates of validity issued to the near blood relatives which even find place in the impugned orders, innocuous request of these petitioners for issuance of caste / tribe certificates were rejected. If it was merely a matter of issuance of caste or tribe certificates under section 4 of the Maharashtra Act No. XXIII of 2001, the certificates of validity of the blood relatives from the paternal side should have been enough for issuance of caste / tribe certificates. There could not have been any other justification or explanation for simply ignoring the certificates of validity. It is in the wake of such peculiar facts and circumstances that we had directed a note of the order to be taken in the service books of the competent authority as well as the members of the scrutiny committee and compliance was solicited from the Divisional Commissioner.

5. By moving applications no. 1974 of 2025, 1973 of 2025 and 1975 of 2025, the person who was at the relevant time working as competent authority, is now seeking the remarks to be expunged.

6. The learned advocate for the applicants, at the outset, submits that she profoundly repents and tenders unconditional apology. He submits that she is a young IAS officer having flawless track record. Adverse remarks in the service book would have drastic consequences on the prospects in the service career. It would also discourage honest public officers while discharging their duties fearlessly. She had no malice or *mala fides*. She was not afforded any opportunity to explain the circumstances. The orders were passed in due discharge of her duties. The error had occurred unintentionally and the direction for entry to be taken in the service record, be recalled.

7. It does appear that the applicant was appointed in the Indian Administrative Services by notification dated 25-02-2022. The order of appointment was issued on 11.03.2022. She was posted as Assistant Collector, Degloor Sub Division, District Nanded by the order dated 20.04.2022 and the impugned orders though bear outward numbers, do not bear any date and even this fact is noted in the judgment of the scrutiny committee to which the petitioners had

preferred an appeal under section 5 of the Maharashtra Act No. XXIII of 2001.

8. Accepting the stand of the applicant being a new entrant in the civil service, she had no experience and knowledge, one cannot lose sight of the fact that being from the Indian Administrative Service Cadre, she could have logically considered the aspect as to when merely the caste or tribe certificate was being applied for, when the near blood relatives, namely, first degree paternal uncles were possessing certificates of validity of 'Koli Mahadev' scheduled tribe, how a blood relative would belong to some other caste or tribe. Over and above, even in spite of enlisting these certificates of validity in the orders, the observation that those being of recent origin, could not have been refused as a proof, and more so by making an observation that no pre-constitutional document was produced. This clearly demonstrates utter non application of mind, leave aside lack of knowledge. In our considered view, no amount of justification can be assigned for such a glaring mistake.

9. However, considering the fact that applicant is tendering unconditional apology, thereby admitting the mistake, coupled with the fact that she was a new entrant to the civil service, when there is nothing to demonstrate that the impugned orders were prompted by any *mala fide* or were passed for any extraneous reasons, the

direction in the order passed by us for taking entry in her service book, is recalled.

10. Applications are disposed of.

11. Stand over to 11-03-2025, for consideration of the affidavit filed by extant competent authority.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

After Pronouncement of the Order

12. The learned AGP informs that pursuant to the directions of this Court, the entries have been taken in the service book of the respective members of the scrutiny committee and compliance report has also been placed on record.

13. Matters are disposed of.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/-