

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

WRIT PETITION NO. 16225 OF 2023

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Ritesh Ashok Chougale
Age : 21 years, Occ. Nil,
R/o. Pasarde, Taluka – Karvir,
Dist. Kolhapur

... Petitioner

Versus

1. The State of Maharashtra
Through the Secretary
Social Justice Department,
Mantralaya, Mumbai – 400 032.

2. The District Caste Certificate Scrutiny
Committee, Kolhapur, having its
Office at Dr. Babasaheb Ambedkar
Samajik Nyay Bhavan, 2nd Floor,
Near Babar Hospital, Vichare Marg,
Kavala Naka, Kolhapur

3. The Sub Divisional Officer, Karvir
Sub-Division, Taluka : Karvir
Dist. Kolhapur

... Respondents

.....
Mr. Prashant Bhavake for the petitioner.
Mr. S.B. Kalel, AGP for the respondent – State.
.....

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : September 22, 2025.

ORAL JUDGMENT :- (Per M.S. Karnik, J.)

1. By this petition under Article 226 of the Constitution of India, the petitioner is challenging the impugned judgment and order dated 18th May 2023 passed by the respondent no.2 – Caste Scrutiny Committee whereby the application of the petitioner for verification of his caste certificate of “Kunbi” caste is disposed of without considering the same on merit and consequently it is directed to confiscate the said certificate.

2. It is pertinent to note that the petitioner was granted a caste certificate on 5th October 2019 certifying that the petitioner belongs to “Maratha” caste. The Caste Scrutiny Committee has validated the caste claim of the petitioner as belonging to “Maratha” on 19th June 2020. The petitioner having once claimed benefit of belonging to “Maratha” caste, which was then categorized as “Socially and Educationally Backward Class”, in our opinion, now he cannot claim to belong to different caste by making a fresh application for issuance of caste certificate. The petitioner’s claim belonging to “Maratha” caste was validated. Subsequent events resulted in depriving the benefits of reservation to the “Maratha” caste. A new claim is made obviously to somehow or the other seek the benefits of reservation by making a new claim altogether. The petitioner cannot be allowed to approbate and reprobate in this manner. The petitioner is taking a chance by changing

his stand to belong to “Kunbi” caste. Merely because there is material to indicate that some relatives of the petitioner belong to “Kunbi” caste is no ground entitling the petitioner to make a claim in the manner now sought to be made.

3. Learned AGP has placed reliance upon the observations made by this court in ***Parnav Sadashiv Lad Vs. Caste Scrutiny Committee, Kolhapur & Ors.*** in Writ Petition No. 12713 of 2022 decided on 11th July 2023. Emphasis on para 7 of the said decision has some bearing on the issue involved in the present case, reading thus :-

“7. It may be true that there are some subsequent entries, which have been discovered by the petitioner showing that some other relatives of the petitioner belong to “Kunbi” caste, but existence of such entries showing different caste of other relatives of the petitioner would not by itself contradict the entries made in the documents which have been considered by the Scrutiny Committee while passing the impugned order and which show that these relatives of the petitioner are of the “Maratha” caste. The existence of different entries can never, by itself, lead to falsification of the other set of entries unless it is shown by the petitioner that the other set of entries does not depict the correct position with regard to the social status claimed by the petitioner. In fact, here is a case where the petitioner himself has claimed as he belonging to caste “Maratha” and has subsequently, seeing that some other relatives of the petitioner have got some documents showing them to be of “Kunbi” caste, thought of again taking a chance of changing his status by claiming that now he belongs to caste

“Kunbi”, for some purpose only known to the petitioner. Such an attempt on the part of the petitioner, which is in the nature of approbation and reprobation, is not permissible in law. The petitioner cannot be allowed in law to claim at one point that he has one social status, which is validated by the Scrutiny Committee also and then at other point of time, to claim that he has a different social status. If this is permitted, it will lead to uncertainty with regard to social status claimed by various persons and introduce an element of chaos in the policy of affirmative action initiated by the State. It would also lead to committing of malpractices by some persons in order to corner illegally the benefits flowing from reservation policy, which would ultimately adversely affect the public policy. When the social status claimed by a person at one point of time is accepted and certified to be valid by a competent authority, like the respondent no.1, there is no way that such person is allowed again to change his claim as regards his social status and is then allowed to be one of the beneficiaries of the policy of the affirmative action of the State. After all, sanctity as well as finality has to be attached to the claims of social status made by the persons, as a matter of public policy.”

4. In the present case, when the benefit of reservation was available, the petitioner not only claimed to belong to “Maratha Caste” but on the basis of documents relied by him, succeeded in establishing that he belongs to “Maratha” Caste before the Caste Scrutiny Committee which issued a caste validity certificate in his favour as belonging to “Maratha” Caste. Hence, as indicated earlier, subsequent events which deprived him the benefit of reservation, is no ground to make new claim altogether as belonging to a different caste.

5. We, therefore, do not find any merit in this petition. The petition is dismissed.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik]