

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13016 OF 2024

Sujal Mangala Birwadkar

Age: 18 years, Occu: Student,
R/o: Room No.33, Building No.02,
New BPT Colony, Nadkarni Park,
Wadala East, Mumbai

Post: Antop Hill, Pin-400 037.

.....Petitioner

Vs.

1. The State of Maharashtra,
Through its Secretary,
Social Justice and Special
Assistance Department,
Mantralaya, Mumbai.
2. The District Caste Certificate
Scrutiny Committee, Raigad,
1402A, Plot No.9, Survey No.76/2B,
Behind Saint Merry's Convent School,
Chedhare, Alibag – 402 201,
Through its Member Secretary.

.....Respondents

Mr. Nikhil V. Adkine, for the Petitioner.

Mr. B. V. Samant, Additional Government Pleader for the Respondent
Nos.1 & 2.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

RESERVED ON : 10th JUNE 2025.

PRONOUNCED ON : 20th JUNE 2025.

JUDGMENT :- (Per Dr. Neela Gokhale, J.)

1. **Rule.** Rule made returnable forthwith. With consent of the parties, matter is heard finally.

2. By way of the present Petition, the Petitioner seeks quashing of the Judgment and Order dated 15th April 2024 passed by the Respondent No.2-District Caste Certificate Scrutiny Committee, Raigad. He also seeks a declaration that he belongs to '*Chambhar*' Scheduled Caste community of his mother's side and issuance of validity certificate of the said caste.

3. The case of the Petitioner in brief is that his parents were married on 22nd April 2004 at Pali, District: Raigad. His father namely, Santosh Mahadeo Mokal belongs to '*Hindu Agri*' caste, which is not a Scheduled Caste but his mother namely, Mangala belongs to '*Chambhar*' community, which is a Scheduled Caste. The Petitioner was born on 14th June 2006. Both his parents were serving in the Central Armed Police Force, which comes under the Ministry of Home Affairs.

4. According to the Petitioner, there was matrimonial discord between his parents resulting in a divorce decree being passed by the Joint Civil Judge, Senior Division, Alibag in respect of their marriage vide Judgment and Order dated 2nd July, 2016.

5. At the time of admitting the Petitioner in the primary school, his mother recorded his caste as '*Hindu Agri*' i.e., his father's caste in the school records. However, after the divorce and while admitting the Petitioner in the secondary school namely, Kendriya Vidyalaya, ISP Nehru Nagar, Nashik Road, his mother gave the Petitioner's caste as '*Chambhar*' under the Scheduled Caste community and also got his name changed as 'Sujal Mangala Birwadkar' from 'Sujal Santosh Mokal'.

6. While the Petitioner was studying in the 11th Standard in the Navneet Junior College of Arts, Science & Commerce, Mumbai Central in the Academic Year 2022-23, his mother applied for a certificate of '*Chambhar*' caste for him. The Competent Authority issued the said certificate dated 7th February 2023 certifying that the Petitioner belonged to '*Chambhar*'- a Scheduled Caste. The principal of the Navneet Junior College forwarded the proposal for verification of his caste claim to the Respondent No.2-Scrutiny Committee.

7. The Scrutiny Committee referred the caste claim to the Vigilance Cell for inquiry and verification of documents. Three vigilance reports were submitted to the Committee. Ultimately, the

Scrutiny Committee by its Judgment and Order dated 15th April 2024 rejected the caste claim of the Petitioner and refused to grant validity certificate in respect of the Petitioner. It is this Judgment and Order, which the Petitioner has assailed in the present Petition.

8. Mr. Nikhil Adkine learned counsel appeared for the Petitioner and Mr. B.V. Samant, learned AGP represented the State.

9. Mr. Adkine submitted as under:

(a) The findings in the Judgment and Order are contrary to the facts of the case and the evidence on record.

(b) The Petitioner's father although belonging to an upper caste has never looked after nor cared for the Petitioner and has never incurred any expenses for the Petitioner.

(c) The Petitioner's parents were divorced by a decree passed by the Competent Court on 2nd July 2016 and that the custody of the Petitioner was always with his mother.

(d) The Petitioner did not have any advantages in his life and suffered deprivations and indignities and humiliation being a member of the Scheduled Caste community.

10. On the above grounds, the Petitioner urged the Court to

set aside the impugned Judgment and Order and declare him to be a member of the Scheduled Caste community.

11. Mr. Samant, learned AGP brought to our notice the Vigilance Inquiry Report along with statements recorded of persons during inquiries held on 21st July 2023, 13th September 2023 and 17th January 2024. Mr. Samant pointed out that the Petitioner's father had recorded his statement that he had made many attempts to meet and talk to the Petitioner but the Petitioner's mother did not allow him to do so. He also offered innumerable opportunities to the Petitioner. Mr. Samant submitted that the Petitioner's mother is working in Central Police Mumbai Port and is earning a substantial income to support herself and the Petitioner and hence, she did not claim maintenance from the Petitioner's father. Thus, Mr. Samant submitted that the Petitioner's father belongs to the upper caste community and during the Petitioner's entire schooling years, he was availing all the opportunities available to the upper caste. Mr. Samant thus, sought dismissal of the Petition.

12. Heard both the counsels and perused the record with their assistance.

13. We have gone through the Vigilance Reports. The statements of the witnesses recorded indicate that the Petitioner's mother was in continuous service in the Central Police Mumbai Port. The statement of the Petitioner's father also indicate that post divorce, the Petitioner's mother never claimed any maintenance for herself or the Petitioner as she was capable of maintaining herself and the Petitioner. The Petitioner took his secondary education in Kendriya Vidyalaya. The written statement of the Police Patil also indicates that even his maternal relatives owned property and are engaged in doing business. Nevertheless, the Petitioner's mother had recorded his caste as '*Hindu Agri*' in his school, which can be seen in the School Leaving Certificate.

14. After going through the Vigilance Reports, the Committee formed the considered opinion that no evidence was brought on record by the Petitioner to demonstrate that by virtue of his mother being a member of the Scheduled Caste, he suffered deprivations, indignities, humiliation and any other challenges normally suffered by a person belonging to a Scheduled Caste community. His maternal grandparents also do not appear to be living in a backward area nor is

their living conditions bereft of basic necessities, food, clean water, sanitation and health care. Their lifestyle is satisfactory. The Scrutiny Committee therefore, concluded that the Petitioner did not suffer any humiliation nor was he deprived of good education.

15. A Division Bench of this Court in *Swanubhuti Jivraj Jain v. State of Maharashtra through the Office of Assistant Government Pleader and Ors.*¹ after referring to a series of judgments of the Apex Court has held that for a person born to parents belonging to different castes, especially when the father belongs to the upper caste community and the mother to a Scheduled Caste community, has to demonstrate that he was treated shabbily; that he suffered humiliation and insults on account of his mother being a Scheduled Caste person; he was deprived of opportunities in education and employment on account of his mother being a Scheduled Caste person, etc., for him to be declared as a person belonging to a Scheduled Caste community. In the present case, the entire nurturing and upbringing of the Petitioner, although has been done by his mother, does not appear to be that of deprivation. He had the advantage of his father's upper caste during his schooling days and his caste was recorded as '*Hindu Agri*' in his

¹ 2025 SCC Online Bombay 322

school records. His mother throughout her career continued to be employed by the Central Police Mumbai Port. There is nothing on record to indicate that the Petitioner's mother suffered any humiliation, which was manifested onto the Petitioner.

16. In the light of the peculiar facts as above and taking into account the documents before us, it is clear that the Petitioner had good education, was never discriminated against and did not suffer any disadvantages on account of his mother belonging to a Scheduled Caste community. He did not suffer any handicap and did have an advantageous start in life. We are thus, unable to accept that he is eligible to be declared as a person from the '*Chambhar*' community. We are not inclined to allow the Petition. Petition is dismissed.

17. Rule is accordingly discharged.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

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