

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

WRIT PETITION NO. 7541 OF 2025

Mugdha Amit Kesarkar (Minor)
Age- 17 years, Occu- Student
Through Guardian i.e. Father of
Minor Amit Narayan Kesarkar,
Age- 49 years, Occu-Service,
Residing at Room No. 459, Parshi
Wadi, near Vithal Temple, Kopari
Colony, Thane (E), Dist- Thane.

...Petitioner

Versus

1. State of Maharashtra,
Through Tribal Development
Department Mantralaya Mumbai
through its Principal Secretary.

2. District Caste Certificate
Scrutiny Committee, Thane.

3. B. N. Bandodkar College of
Science, Through Principal,
Address- Chendani, Thane (West),
Dist-Thane.

...Respondents

Mr. Vishal Patil, for the Petitioner.

Ms Leena Patil, 'B' Panel Counsel, for the Respondents-State.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 15th SEPTEMBER 2025.

Order (Per Manjusha Deshpande, J.):

1. In this Writ Petition, the Petitioner who is a minor, through her legal guardian has challenged the order passed by Respondent No. 2- District Caste Certificate Scrutiny Committee, Thane, dated

23rd April 2025, invalidating her caste claim as belonging to 'Gavali-36' Nomadic Tribe -B. The Petitioner has been issued Caste Certificate to be belonging to 'Gavali-36' Nomadic Tribe -B by the Sub-Divisional Officer, Thane, on the basis of which, she has secured admission in Respondent No. 3-College for the academic year 2023-24. Presently, she is pursuing her education in Respondent No. 3 College in the 12th Standard in the Science Stream.

2. The Caste Certificate of the Petitioner was forwarded to Respondent No.2-Committee, through Respondent No. 3-College for verification and validation of her claim to be belonging to Nomadic Tribe. She has filed online application dated 22nd June 2024 and offline application dated 30th September 2024, alongwith relevant documents. She was issued a notice by Respondent No. 2-Committee calling upon her to remain present for hearing and requiring her to file her say on the relevant documents, to prove her caste claim. Accordingly, she remained present alongwith supporting documents. However, Respondent No. 2- Committee has rejected her caste claim by passing the impugned order dated 23rd April 2025. It is on this premise the Petitioner has approached this Court.

3. Mr. Vishal Patil, learned counsel appearing for the Petitioner submits that, the order passed by Respondent No. 2-Committee is not only erroneous but also arbitrary. Moreover, it has been passed without giving an appropriate opportunity to the Petitioner to rectify the defects as referred to in the impugned order, thus acting in violation of the principles of fairness. It is contended that, the Petitioner has placed various documents, such as her own Caste

Certificate showing that she belonged to 'Gavali' caste; her Birth Certificate; School Leaving Certificate of her father issued on 31st May 1995 showing his caste as 'Hindu Gavali'; Caste Certificate of her father issued on 1st July 2006; Caste Validity Certificate of cousin sister; School Leaving Certificate of the applicant's cousin sister; School Leaving Certificate of Paternal Aunt (applicant's father's Aunt), namely, Vatsala Kesarkar showing her caste to be 'Gavali', issued way back on 22nd March 2012, as well as the affidavit of father showing the genealogy.

4. In spite of all these supporting documents, without going into the merits of the matter, Respondent No. 2- Committee has rejected the caste claim of the Petitioner merely by referring to Rule 17(2) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules 2012 (for short "the Rules of 2012).

5. Referring to Rule 17(2) of the Rules of 2012, it was held that, as per the Rule the applicant or the complainant has to remove the objections raised by the Scrutiny Committee within a period of two weeks, which can be extended maximum up to the period of six weeks. However, the Petitioner having failed to provide sufficient proof in support of her caste claim, in spite of affording her opportunity from time to time. Since no response is received from the Petitioner it is observed that, it appears that the Petitioner is not serious in pursuing her caste claim and, therefore, her caste claim has been rejected, vide order dated 23rd April 2025.

6. The learned counsel for the Petitioner contended that, had the Petitioner been granted an opportunity by pointing out the deficiencies in her application, she could have removed the defects within the period prescribed as per law. However, no such defects have ever been pointed out to the Petitioner, so as to enable her to remove the deficiencies. She has not been granted an opportunity to remove the defects. Hence, on this premise alone, the Writ Petition deserves to be allowed.

7. *Per contra*, Ms Leena Patil, learned 'B' Panel Counsel appearing for the Respondents-State, supports the impugned order to contend that, in fact, the Petitioner has been put to notice by notices dated 25th February 2025 and 4th November 2024, therefore, there is no substance in the allegation made by the Petitioner that she has not been granted any opportunity of hearing. The order passed by Respondent No. 2- Committee is legal, valid and passed in accordance with law.

8. Upon perusal of the impugned order it appears, that Respondent No. 2 has referred to Rule 17(2) of the Rules of 2012, to reject the caste verification proposal of the Petitioner. The impugned order also refers to the summons/notices issued to the Petitioner on 7th October 2024, 4th November 2024 and 23rd January 2025 and 25th February 2025. When we have called upon Ms Leena Patil, learned 'B' Panel Counsel to explain whether the Petitioner has been informed about the deficiencies in her proposal so as to enable her to remove the said defects, she has very candidly stated that no such defects were communicated to the Petitioner. Even upon perusal of the order it appears, that caste claim of the Petitioner has merely been rejected on the ground that

deficiencies have been observed in the proposal, filed by the Petitioner, and the only reason mentioned is that the Petitioner has not produced any proof in support of her caste claim.

9. The impugned order further refers to Rule 17(2) of the Rule of 2012 to hold that, since the Petitioner has failed to remove the objections within the prescribed period, the proposal of the Petitioner has been closed. Referring to Rules 14, 15 and 16 of the Rules of 2012, it is also observed that the Petitioner can again file a complete proposal through the College in which the Petitioner is pursuing her education for her caste verification, supported by relevant documents. Though liberty has been granted to the Petitioner to submit a fresh proposal, however, we find that the impugned order is contrary to the record, passed in an arbitrary manner without recording any cogent reasons whatsoever, hence, such order cannot be sustained. As such, to subserve the ends of justice, the impugned order deserves to be quashed and set aside.

10. The impugned order passed by Respondent No. 2-Committee dated 23rd April 2025 is, accordingly, quashed and set aside. During the course of hearing we are informed that, there is extreme urgency in the matter since there is a time limit prescribed for submission of Caste Validity Certificate. Thus, in our opinion, it would be appropriate to direct the Respondent No. 2-Committee to scrutinize afresh, the proposal submitted by the Petitioner and inform the defects in the proposal so submitted, within a period of one week from the date of this order. On receiving the communication from Respondent No. 2 pointing out the deficiencies in the proposal, if any, the Petitioner shall remove the deficiencies/objections and resubmit a complete proposal within a

period of two weeks thereafter. Upon receiving the caste certificate verification proposal filed by the Petitioner, Respondent No. 2-Committee shall decide the same on its own merits as expeditiously as possible, but not later than six weeks thereafter.

11. With the aforementioned directions, the Writ Petition stands disposed of.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)