



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1283/2025

Ku. Komal Rajendra Gajbhe Vs.The Scheduled Tribe Certificate Scrutiny
Committee, Nagpur and another

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. S.P.Khare, Advocate for petitioner
Mr. S.M.Ghodeswar, AGP for respondent nos.1 and 2.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : MARCH 18, 2025.

1. Heard.
2. Vide order impugned dated 13th September, 2024, the claim of the petitioner for grant of validity came to be accepted and caste validity certificate belonging to `Mana' Scheduled Tribe was issued in favour of the petitioner vide Certificate dated 13th September, 2024.
3. The petitioner has questioned the reasoning recorded in the order of grant of validity so also the part of the operative order. According to him, the following objectionable reasoning is recorded:

"The applicant's father submitted some misleading information to Committee which in fact in real not related to applicant's family's customs. The ordinary place of residence, traits, characteristics, traditional way of life and customs of applicant and her family does not show socio-cultural affinity as Sr.No.18 Mana Scheduled Tribe of Maharashtra".

"It is made clear that if the contra caste entries found future in applicant's family's blood relatives other claimants or if in future seen that the applicant mislead or suppress the contra caste entries of her family during her case, then in all such situation, this order of Committee is automatically become null and void."

4. It is the contention of Mr. Khare, learned counsel appearing for the petitioner, that under sub-section (2) of Section 7 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 Act, 2000, ("Act of 2000" for short) the order of the Committee attains finality. In such an eventuality, the only option left to the petitioner is to question the reasoning before this Court by taking recourse to the remedy of filing of writ petition. He would claim that the order impugned is in public domain and in such an eventuality, the reasoning recorded by the Committee that the petitioner making misleading information to the Committee casts aspersion and causes mental agony. It is further claimed that the conditional validity granted as per the operative order particularly, clause (2) referred to hereinabove was contrary to the Rule 12 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificates Rules, 2003.

5. As against above, Mr. Ghodeswar, learned Assistant Government Pleader, would urge that the Committee has recorded the reasons in support of grant of validity. Once the validity is granted, there is no reason for the petitioner to question the order granting validity merely because the Committee has proceeded to record incorrect reasons. According to Mr. Ghodeswar, if the petitioner feels that she has suffered mental agony or there is damage caused to her reputation, the remedy

lies elsewhere and not in writ jurisdiction. According to Mr. Ghodeswar, the observations in operative part of the order of the Committee as reflected in paragraph no.2 are always available to the Committee as in future even if it is noticed that the petitioner has obtained the validity certificate by suppressing or misleading the Committee, the Committee can always take recourse to the proceedings for cancellation of the validity certificate.

6. We have considered the rival claims.

7. We have called upon Mr. Khare, learned counsel appearing for the petitioner, during the last hearing that he must demonstrate before the Court that even if the final order is in favour of the petitioner, consequent to which the validity certificate is issued, still it is open for the petitioner to question the reasoning with which the petitioner is not comfortable. The only answer coming forth from Mr. Khare, counsel appearing for the petitioner, is that the order has attained finality under sub-section (2) of the Section 7 of the Act of 2000.

8. Of course, the order pursuant to the aforesaid provisions of sub-section (2) of the Section 7 of the Act of 2000 attains finality. However, that by itself, does not restrict the claim of the petitioner of suffering the mental agony or the injury to her reputation and the consequential relief which the petitioner intends to take against the Committee. In such an eventuality, in case if the petitioner has suffered a civil harm at the behest of the Committee, the remedy lies elsewhere and not in the writ petition.

9. Apart from above, even if we consider the conditional validity granted as has been claimed by the petitioner by drawing support from clause (2) of the operative order, the said observations are based on the settled principles of law that fraud or suppression vitiates the order. In future, it is always open for the Committee to take out the proceedings for cancellation of validity, in case if it is noticed that the petitioner has made incorrect statement or has practised fraud on the Committee in the matter of securing the validity certificate.

10. That being so, no case for causing interference is made out. The petition, as such, fails and same stands dismissed. No costs.

(MRS.VRUSHALI V. JOSHI, J.) (NITIN W.SAMBRE, J.)