



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

WRIT PETITION NO. 2394 OF 2025

Murlidhar Namdeorao Khadge

Vs.

State of Maharashtra, Thru. Its Secretary, Tribal Development Department,
Mantralaya, Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.K. Mendadkar, Advocate for petitioner.
Ms. S.S. Jachak, Addl.G.P. for respondent Nos.1 & 2.
Mr. N.W. Almelkar, Advocate for respondent No.3.

**CORAM : NITIN W. SAMBRE AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 05.05.2025.

Heard.

2. The petitioner, an employee of the respondent No.3 – Hindustan Petroleum Corporation Ltd., has questioned the order dated 02.04.2025 (hereinafter shall be referred to as 'the impugned order') whereby the tribe claim of that of belonging to 'Halbi' Scheduled Tribe is negated.

3. It is the contention of Mr. Mendadkar, learned counsel appearing for the petitioner that in the earlier round of litigation in Writ Petition No.3359/2022, this Court vide order dated

13.02.2023 has directed the Committee to consider the document dated 01.08.1917 pertaining to Ukarda Kisanji who is shown to be the grandfather of the petitioner. According to Mr. Mendadkar, such entry in relation to Ukarda is reflected in the school leaving certificate so also the admission register wherein caste is recorded as 'Halbi'. He would claim that once the aforesaid entry and the relationship of the petitioner with Ukarda is not in dispute, the Division Bench of this Court rightly so directed the Committee to consider the said entry and decide the claim of the petitioner for issuance of validity afresh. Mr. Mandadkar, would urge that the entry in relation to Ukarda since is a pre-constitution era i.e. 01.08.1917, same will have the highest evidentiary value as the adverse entries, if any, are subsequent to the said date and as such, the petitioner is entitled for issuance of validity by quashing the order impugned.

4. As against above, the learned Additional Government Pleader, the learned counsel for respondent – Committee so also the learned counsel for respondent No.3 has opposed the prayer. It is claimed that the Committee conducted a Vigilance Cell inquiry and noticed that the entries in relation

to other blood relations would prevail and therefore the Committee is justified in recording a finding that the petitioner does not belong to 'Halbi' Scheduled Tribe. As such, the prayer is made for dismissal.

5. We have considered the aforesaid contentions.

6. No doubt, this Court in Writ Petition No.3359/2022 (*Murlidhar Namdeorao Khadge Vs. State of Maharashtra and Ors.,*) decided on 13.02.2023 has directed that the document dated 01.08.1917 pertaining to Ukarda viz. Grandfather of the petitioner to be considered after verifying the same from the Vigilance Cell and thereafter, the Committee is directed to record a finding.

7. It is a fact borne out of the record particularly from the family tree furnished on 20.08.2018 that Gajanan s/o Namdeorao is in blood relation with the petitioner. The relationship with the said Gajanan is not disputed by the petitioner. The aforesaid blood relation has obtained the certificate of SBC claiming that he belongs to 'Koshti' caste and accordingly, a caste validity of belonging to SBC 'Khosti' came to be issued in favour of Gajanan on 30.07.2014.

8. The least that was expected of the petitioner was to disclose the said fact in the earlier round of litigation in Writ Petition No.3359/2022 when the order of remand was passed on 13.02.2023, whereby the directions were issued to consider the entry in relation to Ukarda viz. Grandfather of the petitioner of 01.08.1917. The fact remains that not only in the said round of litigation before this Court which was in relation to the adjudication of the tribe claim of the petitioner but also subsequently before the Committee the petitioner has suppressed the said fact.

9. This sole ground is sufficient enough not only to dismiss the petition but also to saddle exemplary costs on the petitioner. Apart from above, once Gajanan Damodar Khadge, the blood relation of the petitioner, has obtained the validity of belonging to SBC, we need to be sensitive to the judgment of the Division Bench of this Court in the matter of *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others*, reported in *2010(6) Mh.L.J. 401*.

10. In case, if the petitioner's case is accepted as that of belonging to 'Halbi' Scheduled Tribe, then in the very same family the blood

relations are holding two validities viz. the petitioner claiming to be belonging to 'Halbi' Scheduled Tribe and in the earlier round of claim putforth by the blood relation Gajanan, who is issued validity certificate of SBC belonging to 'Khosti' caste.

11. There is no convincing explanation placed by the petitioner before this Court as to why he has suppressed such material fact from the Committee, so also from this Court in the earlier round of litigation. It is a settled position of law that fraud is an anathema to the rule of law and vitiates everything (*Satluj Jal Vidyut Nigam Vs. Raj Kumar Rajinder Singh (Dead) though legal representatives and others*, reported in **2019 (14) SCC 449**). Further, a person having obtained any benefit by having practiced fraud, cannot be permitted to retain or enjoy such benefit as when a fraud is practiced upon the Court or a body exercising quasi-judicial power, it is misled into passing the order on account of the fraud practiced upon it (*Rashmi Vs. Deputy Commissioner & Member, District Caste Certificate Scrutiny Committee, Nagpur and Ors*, reported in **2024 (6) Bom.C.R. 197**).

12. Apart from above, the Committee during the course of Vigilance Cell inquiry has collected

certain documents and the entries related back to pre-independence era of 1917 onwards. The documents are collected in relation to father, cousin grandfather and great grandfather wherein caste is recorded as 'Khosti'. It is not the case of the petitioner that he has no relation with the aforesaid persons in whose documents caste is recorded as 'Khosti'. Once the Committee has brought on record the adverse material against the petitioner, the provisions of the Section 8 of the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jati), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2002 shall come into play and it is for the petitioner to discharge the burden thereby demonstrating that the adverse entries are not related to the blood relations. Except for mentioning that the relationship is denied, there is no material to infer that the said adverse material is not in relation to the blood relations of the petitioner. In the wake of the past conduct of the petitioner of suppressing the material fact from the Court and the subsequent conduct of denial of the relationship with the persons whose adverse entries are brought on record before the Committee by the Vigilance Cell,

we see no reason to cause interference with the order impugned passed by the Committee thereby rejecting the claim of the petitioner.

13. That being so, for the aforesaid reasons the petition stands dismissed with costs.

14. In view of the conduct of the petitioner of suppressing the material fact not only from the Court but also from the Committee, we deem it appropriate to saddle the cost of Rs.10,000/- (Rs.Ten Thousand only) on the petitioner to be deposited with the High Court Legal Services Sub-Committee, Nagpur Bench within a period of four weeks from today.

(Mrs. Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)