



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

WRIT PETITION NO. 3622/2025

(YOGESHWARI RAKSHAKNATH UCHIBAGLE (KU.YOGESHWARI KISHOR BITLE) **VERSUS**
THE DISTRICT CASTE SCRUTINY COMMITTEE, BHANDARA & OTHERS)

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

Court's or Judge's order

Shri A.D. Dangore, counsel for the petitioner.
Ms K.P. Marpakwar, Assistant Government Pleader for the res

CORAM : NITIN W. SAMBRE AND M.M. NERLIKAR, JJ.

DATE : JULY 11, 2025

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Heard learned counsel for the respective parties.

2. The challenge in this writ petition is to the order dated 19.05.2025 passed by the respondent no.1-District Caste Scrutiny Committee, Bhandara, whereby the caste claim of the petitioner as belonging to 'Kalar' Other Backward Classes, came to be invalidated.

3. The facts necessary for deciding the writ petition are as under :

The petitioner has successfully contested the elections for the post of Sarpanch, Gram Panchayat, Deulgaon based on her status as belonging to 'Kalar', Other Backward Classes. As such, the proposal of petitioner was forwarded to the respondent no.1-Scrutiny Committee for verification on 10.10.2023. In support of her claim, the petitioner has submitted following documents:-

Sr.No.	Particulars of documents.	Caste
1.	Copy of caste certificate of petitioner issued by the Sub Divisional Officer, Tumsar, District Bhandara bearing Revenue Case No.MRC-40374150952 dated 14.07.2021.	Kalar.
2.	Copy of School Transfer Certificate No.509 dated 07.06.2017 of Tenth Class of petitioner issued by the Principal, Government Higher Secondary School, Goreghat, Katangi, District Balaghat (M.P)	Kalar
3.	Copy of the tax assessment register (Namuna-8) for the year 1989 to 1990 issued by the Secretary, Gram Panchayat, Gobarwahi, Tahsil Tumsar, District Bhandara in favour of father of petitioner - Kishore Kawdya Bitle (without O.W. number and date)	--
4.	Copy of the tax assessment register (Namuna-8) for the year 1963 to 1964 issued by the Secretary, Gram Panchayat, Gobarwahi, Tahsil Tumsar, District Bhandara in favour of grand father of petitioner - Kawdya Bitle (without O.W. number and date)	Kalar
5.	Copy of the birth extract register dated 28.07.2022 issued by the Head Copier, Office of the Collector, Bhandara showing that on 27.02.1945 a child namely Sitaram has been born to Kawdya Biran Kalar at Mouza Gobarwahi, P.S. Tumsar, Tahsil Tumsar, District Bhandara.	Kalar
6.	Family tree on affidavit dated 09.10.2023 filed by the petitioner.	
7.	Affidavit filed by the petitioner dated 09.10.2023, stating that his father is illiterate.	--

4. The Scrutiny Committee after processing the claim, since was not satisfied with its genuineness, referred the same to the Vigilance Cell for carrying out field enquiry.

5. The Vigilance Cell initially submitted its report on 12.12.2023. Pursuant to the enquiry report submitted subsequent thereto, the petitioner was called upon to file an affidavit thereby disclosing the traits, customs etc. of her family. The Committee thereafter again referred the matter to the Vigilance Cell and accordingly the Vigilance Cell has submitted its report on 31.05.2024. As far as the first vigilance cell report dated 12.12.2023 is concerned, the petitioner was in fact called for hearing, however, she remained absent and as such the matter was adjourned time and again.

6. After the second vigilance cell report was received, the same was made available to the petitioner and she was called for hearing on 23.07.2024, 27.08.2024, 15.10.2024, 22.10.2024 and 03.12.2024. Subsequent thereto, 28.03.2025 and 28.04.2025 were the dates on which the petitioner was called upon for hearing, despite that the petitioner failed to appear on the said dates. The Committee thereafter evaluated the material which was produced on record by the petitioner, as also the vigilance cell reports and by a well reasoned order invalidated the claim of the petitioner. Directions were issued that in view of the provisions of Section 10 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 (for short, 'the Act of 2000') all the benefits derived by the petitioner be recovered.

7. The learned Counsel for the petitioner would urge that the documents of the pre-constitutional era depicts the caste of petitioner as 'Kalar'. She was a resident of Maharashtra and so as to substantiate the said contention, he has invited our attention to the birth register of the year 1945 maintained at Gobarwahi, Tumsar, wherein Sitaram was shown to have been born to Kawlya Biran Kalar on 27.02.1945. He would further invite our attention to the tax assessment entries under Rule 32(1) of the Village Panchayat Rules, 1959, in favour of Kawlya Biran Kalar, so as to demonstrate that the entry of caste 'Kalar' was in existence way back in the year 1963. Based on these two set of documents a theory of migration of ancestors of petitioner from Gram Panchayat, Gobarwahi to Balaghat (M.P) is sought to be made out.

8. It is claimed that in view of the judgment of Hon'ble Supreme Court in case of *Sudhakar Vithal Kumbhare Versus State of Maharashtra and others* [(2004) 9 SCC 481], the petitioner is entitled for issuance of validity certificate.

9. Shri A.D. Dangore, learned Counsel for the petitioner would further urge that the pre-constitutional era documents have more evidentiary value and in such eventuality, the birth entry in relation to Sitaram, uncle of petitioner, born to Kawlya Biran Kalar has highest probative value and thus the petitioner has discharged her burden under Section 8 of the Act of 2000. That being so, the Committee has committed an error in rejecting the claim of the petitioner.

10. As against this, Ms K.P. Marpakwar, learned Assistant Government Pleader would oppose the prayer. According to her, both the vigilance reports depict that the petitioner has practiced fraud as not only there is overwriting in the public documents, which the petitioner has failed to justify, but also she has tried to take advantage of the similar names in the public record. According to the learned Assistant Government Pleader, the two vigilance cell reports in categorical terms speak of fraud being practiced by the petitioner in the matter of her claim for issuance of validity. As such it cannot be inferred that the petitioner has discharged her burden.

11. We have considered the rival claims.

12. The order impugned dated 19.05.2025 communicated on 03.06.2025 was passed by the respondent no.1-Committee negating the claim for issuance of validity certificate in favour of the petitioner of belonging to 'Kalar'-Other Backward Classes. The respondent no.1-Committee invalidated the claim and cancelled the caste certificate dated 14.07.2021 thereby observing that the petitioner has failed to discharge the burden under Section 8 of the Act of 2000. The committee further recorded a finding that the petitioner has failed to establish that she or her parents were permanent residents of the State of Maharashtra.

13. It appears that in the case in hand, the Committee has relied on the vigilance cell reports dated 12.12.2023, 31.05.2024 and 02.07.2024. The petitioner has based her claim on 7 documents out of which 4 documents speak of 'Kalar' caste. The initial education of the petitioner up to Standard-X was completed at Goreghat District Balaghat (M.P.). Apart from above, the alleged tax payment in relation to Gram Panchayat Gobarwahi in the name of Kavlya Biran Kalar of the year 1963-64 was found to be incorrect in the record of Gram Panchayat. Similarly the Gram Panchayat entry of 1989 about payment of tax in the name of Kishore Kawlya Bitle, father of the petitioner, was found to be tampered with. Gawlya Biran Kalar, alleged ancestor of the petitioner, is shown to have been blessed with a son by name Sitaram on 27.02.1945, however the said entry was found to be relating to Sitaram Kawlya Newargade of Gobarwahi which is an altogether different family. In the family tree, the petitioner had disclosed that she had only one great grandfather and grandfather, wherein the name of uncle is shown as Sitaram, name of grandfather as Kawlya and the name of the great-grandfather is shown as Biran. During vigilance enquiry it was found that the aforesaid information in regard to the family tree to be incorrect. The petitioner has stated in the affidavit that her father is illiterate where as the Vigilance Cell found that her father has taken education at Chakaheti, Taluka Tirodi, District Balaghat (M.P.). As such, the petitioner appears to have placed on record false affidavit before the respondent no.1-Committee.

14. The petitioner accordingly was given an opportunity to submit her explanation to the Vigilance Cell report dated 12.12.2023. In the said vigilance cell report the statement of witnesses namely Jairam Kavdu Nevagade came to be recorded. Jairam is shown to be the resident of Gobarwahi, Taluka Tumsar, District Bhandara and is claimed to be Kalar. He has claimed that Kawlya Biran is his father and his full name is Kawdu Biran Nevargade. He has further stated that Jivanlal and Sitaram are his two brothers and further clarified that there is no family having Bitle as surname and belonging to Kalar caste, residing in their village.

Similarly the Vigilance Cell recorded the statement of Puranlal Bhejanlal Bitle, resident of Arjuntola, Taluka Tirodi, District Balaghat. He has stated that he is residing in the said village for last almost 60 years and he is having four brothers by name Roshanlal, Kishor, Nandkishor and Kushanlal and that his brother Kishor has three issues viz. Gyanendra, Yogendra and petitioner Yogeshwari. He has specifically stated that he has no brother by name Sitaram and their ancestral agricultural land is at Arjuntola, Taluka Tirodi, District Balaghat (M.P.). The petitioner in the affinity form had claimed that from 1980-85 her family has shifted from Gobarvahi, Taluka Tumsar, District Bhandara to Arjuntola, Taluka Tirodi, District Balaghat (M.P) and her grandfather name is Kawlya Biran Bitle, father's name is Kishor and her brothers' names are Gyanendra and Yogendra.

15. In the subsequent hearing, one Chandraprakash had submitted a written complaint against the petitioner in the Office of the Committee alleging that the names of the father, mother and brother of the petitioner were in the Ration Card pertaining to Gram Panchayat Chakaheti, Janpad Panchayat Katangi, District Balaghat (M.P.). He had submitted in all four documents against the petitioner which were examined by the Committee. As such, the Committee called the petitioner for hearing on the same. The petitioner had submitted before the Committee that Jairam Kawdu Newargade and Puranlal Bhejanlal Bitle are related and they have made statements against the petitioner's family as they are in inimical terms with the great-grandfather and grandfather of the petitioner. The petitioner has further stated that the tampering in the public record is not within her control and as such she could not submit any explanation for the same. The committee thereafter sent the matter again to the Vigilance Cell, which in turn submitted its report on 31.05.2024.

The statement of Jugalkishor Govindram Baghel former Police Patil came to be recorded by the Vigilance Cell. He has stated that he is residing in the village Gobarwahi since his birth. He has stated that he has not seen Kawdu Biran Kalar but he recognizes Jairam, Jivanlal and Shivram/Sitaram, who were born to Kawdu. He has specifically stated that Kawdu's surname was Nevargade and no person by surname Bitle was/is residing in their village.

16. The Vigilance Cell has also conducted enquiry about the tax receipts issued by Gram Panchayat Gobarwahi in the year 1965-66 in the name of Kawdu Biran Kalar and noted that the petitioner cannot be said to be belonging to Kawdu's family. The Committee conducted last enquiry through Vigilance Cell on 02.07.2024 and collected six documents of 1969 onwards wherein the entire family members of the petitioner viz. father, uncle, brother and herself are shown to have taken education in District Balaghat (M.P.). These documents are rightly inferred against the petitioner so as to record a finding that the petitioner has failed to establish that she or her ancestors were permanent resident of the State of Maharashtra.

When the petitioner was called for the hearing on the last Vigilance Cell report dated 02.07.2024, the petitioner had failed to appear before the Committee though repeated chances (seven) were given. As such, the Committee has proceeded to pass the order impugned. After considering all the three Vigilance Cell reports and the explanations tendered by the petitioner, the Committee has noted that not only the petitioner has not cooperated with the Committee while conducting the enquiry but she has also failed to discharge the burden under Section 8 of the Act of 2000. The Committee has in categorical terms recorded a finding that in view of the statements of Jairam, Kawdu Newargade, Puranlal Bhejanlal Bitle and Jugalkishor Govindram Baghel, the petitioner and her ancestors were found to be the permanent resident of District Balaghat (M.P.) and not Bhandara (Maharashtra).

17. Section 8 of the Act of 2000 cast burden on the petitioner to prove and establish that she belongs to 'Kalar'-Other Backward Classes. All the three Vigilance Cell reports dated 12.12.2023, 31.05.2024 and 02.07.2024 were served on the petitioner. Sufficient opportunity of hearing was also offered to the petitioner still the petitioner has failed to discharge the said burden thereby establishing that she and her ancestors belong to the State of Maharashtra and that she is from the family of Kawdu Biran Kalar as the Committee has inferred that she is no way related to the said family of Kawdu Biran Kalar. There is tampering in the public record in relation to the tax entries of the year 1965-66 in Gram Panchayat record and the petitioner has failed to explain such tampering. The petitioner in her affidavit has stated that her father is illiterate whereas the Committee has brought on record through Vigilance Cell enquiry that her father has taken education in the Government Primary School at Chakaheti, Taluka Katangi, District Balaghat (M.P.) in 1974, so did her uncle in 1969 and her brother and herself in 1998 and 2002 respectively. There is enough material brought on record by the Committee through Vigilance Cell reports to demonstrate that not only the petitioner and her ancestors are/were the permanent resident of District Balaghat (M.P.) but also the petitioner has tried to mislead the Committee by relying on the documents of a family who is not at all related to her.

18. Though the counsel for the petitioner has relied on the Apex Court judgment in *Sudhakar Vitthal Kumbhare Versus State of Maharashtra & Others* [(2004) 9 SCC 481], we are afraid that the same is not applicable to the case in hand. We are required to be sensitive to the fact that the petitioner has not only approached this Court and also the Committee with unclean hands but she has also tried to mislead the Committee. Filing of incorrect affidavit before the Committee that her father is illiterate and tampering of Gram Panchayat record in our opinion cannot lead to a conclusion that the Committee has committed any error in law. Rather the Committee has conducted detail enquiry and investigation through Vigilance Cell and merely because 'Kalar' caste is recognized in the State of Maharashtra and Madhya Pradesh as Other Backward Classes, that by itself will not entitle the petitioner to reap the benefits of her caste in the State of Maharashtra.

19. That being so, in our opinion, no case for causing interference is made out by the petitioner. The writ petition lacks merit and as such dismissed. No costs.

(M.M. NERLIKAR, J.)

(NITIN W. SAMBRE, J.)