



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

WRIT PETITION NO. 5122 OF 2024

Ku. Saloni Dhiroj Kulkarni,
Aged about 18 yrs, Occ. Student,
R/o Sanewadi, in front of the Library,
Ward No. 1, Wardha, Tq. Dist. Wardha

.....**PETITIONER**

...V E R S U S...

The District Caste Certificate
Scrutiny Committee, Wardha,
Dr. Babasaheb Ambedkar,
Samajik Nyay Bhavan,
Laxmi Nagar,
Sevagram Road, Wardha,
District Wardha,
through its Research Officer
/Member Secretary.

.....**RESPONDENTS**

Mr. R.D. Karode, Advocate for the petitioner,
Mr. N.R. Patil, AGP for Respondent /State.

CORAM :- AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.

DATE : 09.04.2025

JUDGMENT (Per: Abhay J. Mantri, J.)

Heard **Rule**. Heard finally with the consent of the learned
counsel for the parties.

2. The challenge is raised to the order dated 21.03.2024, passed by the respondent, District Caste Certificate Scrutiny Committee, Wardha (for short, “*the Committee*”), thereby invalidating the petitioner's caste claim that she belongs to the ‘*Mahar*’ Scheduled Caste.

3. The petitioner claims that she belongs to the ‘*Mahar*’ Scheduled Caste. On 18.12.2023, the Sub-Divisional Officer, Wardha, issued a caste certificate in her favour. The petitioner, being a student of St. John School, Borgaon, forwarded her caste certificate along with supporting documents to the Committee for validation through the school principal. The Committee was not satisfied with the documents submitted; therefore, it forwarded the same to the Vigilance Cell for enquiry. Accordingly, the Vigilance Cell thoroughly inquired into the matter and submitted its report to the Committee. Pursuant to the report, the Committee has issued a show-cause notice to the petitioner, calling upon her to explain the adverse report. The petitioner submitted her explanation. After affording an opportunity of hearing to the petitioner, and considering the documents, the Vigilance Cell report, and her explanation, the Committee has invalidated her claim of belonging

to the '*Mahar*' Scheduled Caste; hence, this petition.

4. Mr. Karode, the learned Counsel for the petitioner, vehemently contended that the petitioner's ancestor's surname was Kuttarmare; however, between 1980 and 1990, her father changed his surname to Kulkarni from Kuttarmare. In fact, the petitioner and her father belong to the '*Mahar*' caste. He further contended that one Gautam Ramdas Kuttarmare is the petitioner's cousin brother, who has obtained validity, and therefore, based on this validity, the petitioner is also entitled to the same. However, the Committee has not considered this and erred in rejecting the petitioner's claim. He further argued that the petitioner, to substantiate her claim, had submitted a school-leaving certificate of her great-grandfather, namely Shivram, wherein his date of birth was mentioned as 01.07.1917 and his caste was shown as '*Mahar*'. However, the Committee did not consider the said document and erred in discarding it. He drew our attention to the said document and submitted that, based on the oldest document of the year 1917, with validity issued in favour of her cousin brother, Gautam, the petitioner is entitled to a validity and accordingly urged that the petition be allowed.

5. On the contrary, learned AGP Mr. Patil vehemently resisted the petitioner's claim on the grounds that the petitioner had failed to provide the genealogical tree annexed to the petition at page 45 and thereby failed to demonstrate that Gautam was in a blood relation. However, the petitioner has produced the genealogical tree, which is on page 41 of the petition. In the said genealogical tree, Gautam's or Upasha's name is not mentioned as her blood relative; therefore, the Committee has rightly discarded those documents. Similarly, the petitioner is claiming that her father's surname is Kulkarni, however, Gautam's surname is Kuttarmare and therefore, also the Committee has rightly rejected the documents of Gautam and Upasha's, hence, finding recorded by the Committee is just and proper and no interference is required at the hands of this Court.

6. We have appreciated the rival contentions of the learned Counsel for the parties and perused the impugned order and record. We have also gone through the original records pertaining to the caste claim of the petitioner, as well as that of Gautam, and returned them, as the petitioner is relying on the validity granted in favour of Gautam.

7. The petitioner to substantiate her claim mainly relied upon the validity granted in favour of Gautam and she claims him as her blood relative, therefore, her contention is, that as per Rule 16(3) of the Maharashtra Scheduled Castes, 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*"), she is also entitled for grant of validity certificate. As such, we would like to reproduce Explanation 3 to Rule 16 of the Rules, as under:

(3) If any applicant ***submits the application alongwith the caste validity certificate of his father in blood relation or real uncle or any other blood relative from paternal side*** and if he has applied for the same caste of which above mentioned validity certificate is issued, in such case the name of such applicant alongwith the caste validity certificate of his father in blood relation or real uncle or any other blood relative from paternal side submitted by him will be displayed on the web site of Dr. Babasaheb Ambedkar Research And Training Institute, Pune (BARTI) as well it will be displayed on the notice board of the concerned District Caste Certificate Scrutiny Committee. It will be conveyed to register an objection, if any, about the request of an applicant within 15 days from such publication.

If no objections or complaints are received with regard to such application, then the District Caste Certificate Scrutiny Committee will issue a caste validity certificate without asking for other documents of proof by considering that validity certificate as an important evidence.

If any objection or complaints are received on the application, the District Caste Certificate Scrutiny Committee will make an enquiry within the maximum period of sixty days from the receipt of such complaints or objections.

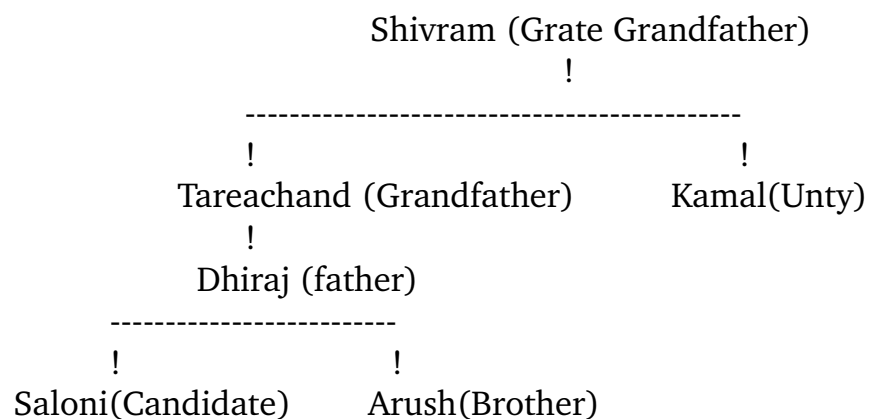
If no substance is found, the District Caste Certificate Scrutiny Committee will issue the validity certificate to the applicant. If any substance is found in objections or complaints, the District Caste Certificate Scrutiny Committee will take a decision about the claim of the caste verification of the concerned applicant by following the prescribed office procedure, and the decision about the caste validity will be taken.]

Undoubtedly, as per Explanation 3 to the Rule 16, the Committee ought to have granted validity certificate in her favour, however, on going through the original records of both the caste claims, it appears that Gautam's name is not mentioned in the genealogical tree of the petitioner, likewise, in Gautam's claim, he has not furnished any genealogical tree while obtaining validity certificate. In such an eventuality, it was incumbent on the petitioner to demonstrate her blood relationship with said Gautam.

8. It is pertinent to note that, as per Rule 4(1) and Rule 14 of the Rules, the claimant shall submit a duly sworn affidavit in Forms 2 and 3 before the competent authority. As per Clause 2 of Form 3, the claimant is required to provide a correct genealogical

tree of her family and relatives. However, Gautam had not given a genealogical tree as contemplated in Clause 2 of Form 3, in support of her claim. Therefore, it would be difficult to infer from the documents on record that Gautam is in blood relation to the petitioner. Similarly, in the genealogical tree of the petitioner, though she has submitted 'Form 3' and genealogical tree as contemplated under the Rules, on its perusal, it does not denote that in her genealogical tree she has given the name of Gautam as in her blood relation and therefore, from the said genealogical tree also it does not evident that Gautam is in blood relation of the petitioner.

In paragraph 2 of the said affidavit, her father has given a genealogical tree of his family and relatives, which is referred to as follows:



The Form 3/affidavit was duly sworn before the

Executive Magistrate, Wardha, by the petitioner's father, who verified the same, wherein it was stated that the contents of the affidavit are true and correct. The verification itself indicates that the petitioner's father has given a complete genealogical tree of his family and relatives. It is pertinent to note that in the above genealogical tree, the petitioner's father did not show Gautam's name as a blood relative. Similarly, Gautam, when applying for caste validity, did not provide a genealogical tree as required by the rules; therefore, it does not appear from either of the genealogical trees that Gautam is in a blood relation to the petitioner.

9. It is pertinent to note that, as per Rules 4(1) and 14, the claimant/petitioner or her father is bound to disclose in the affidavit/Form 3 the complete genealogical tree known to them, as submitted by the petitioner's father in the case at hand. It is commonly found that only partial genealogical trees are shown, or no complete genealogical tree was given by the claimant or her father at the time of submitting the application/affidavit, which would leave it open for them to manipulate subsequently. This Court at the Aurangabad Bench in *Kum, Pallavi D/o Dattatraya Keletwad Vs. The State of Maharashtra & Ors* [2018 Supreme (Bom)729] has held

that *“the Scrutiny Committee should insist on a complete genealogical tree with a declaration that no further relatives of the same genealogy are known to the petitioner. Once such a complete tree is filed, it is subject to verification by the Vigilance Officer, and it shall not be permissible for the claimant to subsequently come with a new plea that certain persons not shown in the tree are their parental relatives and they have obtained validity certificates.”*

10. It is worth noting that one of the primary purposes of providing a genealogical tree is to explore and understand one's family history. It also provides an official and documented lineage to prevent such fraudulent claims and mitigate the risk of them. It is used to demonstrate the petitioner's relationship with her/his ancestors and other family members. Under Rule 4 of the Rules, a person should claim a caste certificate on account of belonging to a particular caste/tribe, for the purpose of the same, it is enjoined upon to submit in her/his application the entire family tree including the names of the persons to whom validity had been granted. The very purpose of submitting such a family tree is to enable the Committee at the first instant itself to establish the relationship between the persons named in the tree so that the caste

claim could be considered on this basis. It is therefore apparent that any person making an application for a caste claim has to place on record the entire family tree originating from any ancestor, irrespective of whether any of them has been granted validity or not. This is so for the reason that, in case the applicant is granted validity, the genealogical tree which has been placed on record will assist the Committee in claims made by any other person in the genealogical tree to establish the relationship and thereby grant a validity certificate. *This would clearly indicate that once the genealogical tree is placed on record by the applicant, it would not be permissible to modify or correct it to show a relationship with a person who is claimed to have been granted validity.* This would, however, be subject to an exception; in the case that the genealogical tree on which validity was granted to a person shows the name of the applicant who is now claiming validity.

11. The argument advanced by the learned Counsel for the petitioner, that a genealogical tree is permissible to be corrected at a subsequent point in time, as mentioned on page 45 of the petition, is fraught with disastrous consequences and, therefore, is held to be impermissible. We do not find a genealogical tree in the case of

Gautam, and the genealogical tree provided by the petitioner's father does not include Gautam's name. He is not shown to be related to the petitioner in the genealogical tree as stated in the affidavit/Form 3 dated 18.01.2024. Had it been the case that, as claimed by the petitioner, Gautam is a blood relative, and validity was granted to him in 2007, then indeed she would have shown him as a blood relative in the genealogical tree. But not mentioning his name in it would lead to drawing an adverse inference against her. This clearly indicates that the petitioner wants to include Gautam's name in the genealogical tree as a blood relative, since nobody has restrained them from mentioning Gautam's name in the genealogical tree. In view of the above discussion and considering all the documents, in our considered opinion, the validity of Gautam is of hardly any assistance to the petitioner in substantiating her claim.

12. Apart from the above, the petitioner has also relied on documents from the years 1917 and 1940 pertaining to one 'Shivram Upasha' and 'Bhanudas Upasha'. It is pertinent to note that Upasha's name is not included in the genealogical tree as the father of Shivram. Likewise, in the 1940 document, the person's name is

mentioned as Bhanudas, s/o Upasha Kuttarmare. Undisputedly, Bhanudas and Upasha's names are not included in the genealogical tree submitted by the petitioner. Additionally, a discrepancy arises regarding the surname of the petitioner's father, Bhanudas and Upasha, as mentioned as Kuttarmare and Kulkarni. The document produced by the petitioner indicates that in 1985, the petitioner's father's name was mentioned as Tarachand Shivram ***Kulkarni***. However, it has not been brought to record how the name was mentioned as Kulkarni instead of Kuttarmare in 1985. The petitioner has attempted to specify this by producing the relevant Government Gazette on record. In the petition, on page 32, he has produced a copy of the Gazette/Notification dated 03.02.2000. According to the gazette itself, the old name of the petitioner's grandfather, Taranath Shivram Kuttarmare, is recorded, and the new name, Taranath Shivram Kulkarni, is mentioned. However, before the Committee, he has produced the Gazette/Notification dated 2-8 November, 2023, wherein the petitioner's father's old name was recorded as Dhiraj Tarachand Kuttarmare, and his new name is mentioned as Dhiraj Tarachand Kulkarni. Had it been the case that Tarachand was the father of Dhiraj, who had already changed his name in 2000 to Kulkarni, then the question of changing the name

of the petitioner's father from Kuttarmare to Kulkarni in 2023 would not have arisen at all. Moreover, it appears that in the year 1985, the petitioner's father took admission in the school. At that time, his name was mentioned as Dhiraj Tarachand Kulkarni; however, the gazette notification indicates that in 2000, Taranath published a gazette for the conversion/change of his surname. The discrepancy appears in the grandfather's name as Tarachand or Taranath.

13. In that view of the matter, we have considered all the contentions and arguments advanced by the learned counsel for the petitioner and do not see any reason to interfere in the impugned decision of the Committee, even for the purpose of remand, as we have taken into consideration all the relevant documents by calling upon the original record of the validity holder Gautam and of the petitioner. We have also taken into consideration all the relevant documents which were referred to by the learned counsel for the petitioner. The petition is, therefore, bereft of merit and stands dismissed. No costs. The Rule is discharged accordingly.

(ABHAY J. MANTRI, J.)

R. Belkhede,
Personal Assistant

(AVINASH G. GHAROTE, J.)