



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

WRIT PETITION NO. 5331 OF 2024

Jitendra S/o. Wasudeo Musaddiwar,
Aged about 37 years, Occ. Teacher in Zilla
Parishad School, R/o. At & Post- Pusegaon,
Tahsil- Sakoli, District- Chandrapur- 441225

... **PETITIONER**

// VERSUS //

1. The District Caste Certificate Scrutiny
Committee, Chandrapur having office at
Dr. Babasaheb Ambedkar Social Justice
Bhavan, Chandrapur.
(Email- chandrapur@gmail.com)

2. The Zilla Parishad, Gadchiroli through
its Chief Executive Officer.

... **RESPONDENTS**

Shri Madhur Deo, Advocate for petitioner.
Ms. Hemlata Jaipurkar, AGP for respondent no. 1.

**CORAM :- SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED :- 24.11.2025

ORAL JUDGMENT (PER: M. W. CHANDWANI, J.):-

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by
consent of the learned counsels for the parties.

3. The petitioner suffers invalidation as well impounding of
the caste validity certificate at the hands of respondent no. 1- District

Caste Certificate Scrutiny Committee, Chandrapur (for short, “the Committee”). The petitioner was granted validity certificate by the Committee belonging to caste ‘Zade’ which falls under the Nomadic Tribe-C (NT-C) category by its order dated 19.08.2005. Pursuant to the said caste validity certificate, the petitioner was appointed as a ‘Shikshan Sewak’ on the post reserved for NT-C category. However, in the year 2022, Ritika Musaddiwar, the cousin sister of the petitioner also applied to the Committee for validation of her caste, claiming herself to be belonging to ‘Zade’ NT-C category. In the claim, Ritika relied upon the caste validity certificate granted to the petitioner. The Committee doubted the validity certificate granted to the petitioner and called for vigilance report from the Vigilance Cell. The Vigilance Cell conducted an enquiry and recorded the statements of three witnesses hailing from the petitioner’s village wherein, they have stated that the petitioner belongs to ‘Zade-Mali’ community. The Committee, by the impugned order dated 05.08.2024 recalled the order of validation of the caste claim of the petitioner on the ground that the petitioner failed to submit any document prior to the year 1961 showing his caste as ‘Zade’ under the NT-C category, which is under challenge in this petition.

4. We have heard the learned counsels for the respective parties and have also gone through the record. The contention of the

learned counsel for the petitioner is that, the Committee has no power to recall the validity certificate granted to the petitioner on the ground that the vigilance enquiry was not conducted.

5. The learned AGP submitted that, no documents prior to 21.11.1961 i.e. the date on which the caste 'Zade' was included in the category of NT-C, were produced by the petitioner. According to her, since the vigilance enquiry was not conducted before granting the validity certificate to the petitioner, the Committee has recalled the order.

6. Having heard the matter, we are of the considered view that the issue is squarely covered by the decision of the Division Bench of this Court in the case of ***Rashmi W/o. Shyamkumar Barve Vs. Deputy Commissioner & Member, District Caste Certificat Scrutiny Committee, Nagpur and others*** (Writ Petition No. 2155/2024, decided on 24.09.2024) wherein, in para no. 15.15, this Court in categorical terms has observed as under:-

“15.15. It will thus have to be held that the CSC, has the power to recall an order/decision, granting validity, in case it is found that the same was obtained by practicing a fraud upon the CSC, which may include non-disclosure or suppression of material facts and/or documents, non-disclosure of rejection to a sibling or a member in the genealogy etc. It is, however, material to note that merely because the validity was granted without a vigilance enquiry, that would not be itself, be sufficient to recall the order/decision granting validity, as that is permissible to the CSC, in terms of the Caste Certificate Rules, 2012.”

7. It is also imperative to refer to one more decision of this Court relied upon by the learned counsel for the petitioner, in the case of **Anil S/o. Shivram Bandawar Vs. District Caste Certificate Verification Committee, Gadchiroli and another [2021 (5) Mh.L.J. 345]** wherein, in para nos. 6 and 7, it is held as under:-

“6. We find that it was not permissible for the Caste Scrutiny Committee to have re-examined the caste certificate and Caste Validity Certificate issued to the petitioner on the grounds on which it was so sought to be so re-examined as stated in the show cause notice. It is undisputed that there is no provision either in the Act of 2000 or the Rules framed thereunder to re-open/re-examine the matter of issuance of a Validity Certificate by it. This aspect as regards absence of statutory power to do so stands concluded by the decision of this Court in Apoorva Vinay Nichale (supra). It has been held in clear terms that merely because a different view on the same facts could be arrived at, the same would not entitle the Scrutiny Committee dealing with a subsequent caste-claim to reject such claim. As stated above it is on the basis of fresh material in the form of old revenue records of the year 1920-24 that the exercise of re-examining the Caste Validity Certificate was undertaken by the Scrutiny Committee. We thus find that in absence of any statutory power either under the Act of 2000 or the Rules framed thereunder to re-examine a Caste Validity Certificate already issued, the exercise undertaken by the Scrutiny Committee pursuant to the show cause notice issued by it was without jurisdiction.

7. We may note that neither in the show cause notice nor in the impugned order cancelling the Caste Validity Certificate issued to the petitioner is there any reference made to "fraud" being practiced by the petitioner while obtaining the Caste Validity Certificate. It is however sought to be urged by the Scrutiny Committee that it exercised such power on the premise that the petitioner while seeking verification of his caste-claim had not referred to the old revenue records of 1920-24 and hence the same amounted to playing fraud. It may be stated that it was the Scrutiny Committee which was satisfied with the documents relied upon by the petitioner when he had sought verification of his caste-claim. The Scrutiny Committee did not deem it fit to obtain a report of the Vigilance Cell and instead proceeded to issue a Caste Validity Certificate to the petitioner. Such power of dispensing with an inquiry by the Vigilance Cell is vested with the Scrutiny Committee by virtue of Rule 17(6) of the Rules of 2012. The premise on which the Caste Validity

Certificate issued to the petitioner has been cancelled is that the petitioner failed to bring before the Scrutiny Committee the old revenue records of 1920-24. In our view such alleged act of the petitioner failing to bring before the Scrutiny Committee the old revenue records can hardly amount to playing fraud while seeking the Caste Validity Certificate. In this regard useful reference may be made to the observations in Shri Krishnan vs. Kurukshetra University, Kurukshetra, AIR 1976 SC 376 wherein the Honourable Supreme Court observed that it is well settled that where a person on whom fraud is committed is in a position to discover the truth by due diligence, fraud is not proved. It would neither be a case of suggestio falsi or suppressio veri. In other words, it was open for the Scrutiny Committee while verifying the Caste Certificate of the petitioner to have conducted an inquiry by the Vigilance Cell. The Scrutiny Committee however did not deem it necessary to have such inquiry conducted by the Vigilance Cell. The Scrutiny Committee was thus in a position to discover the old revenue records of 1920-24 by exercise of due diligence which could have been done by holding an inquiry by the Vigilance Cell. It however did not choose to do so and thus it would not be legally permissible now for the Scrutiny Committee to urge that by not referring to old revenue records of 1920-24 the petitioner was guilty of practicing fraud. As stated above though the aspect of fraud was neither mentioned by the Scrutiny Committee in its show cause notice nor referred to in the impugned order we have dealt with said aspect as the impugned order was sought to be supported on that count before this Court.”

8. In the present case, the Committee had not opted for the vigilance enquiry before granting validity certificate to the petitioner. Having dispensed with the enquiry willfully, the Committee later on cannot invalidate the caste validity certificate granted to the petitioner.

9. Since, the learned AGP failed to demonstrate that any fraud was played by the petitioner while obtaining validation of the caste certificate, we are of the opinion that the Committee has no power to review/recall its own order unless a fraud is detected by the

Committee as held in the case of **Rashmi Barve** (supra). Therefore, the action of the Committee invalidating the caste claim of the petitioner is without jurisdiction and contrary to the provisions of law.

10. Even otherwise, just because no document prior to the year 1961 has been submitted by the petitioner, the caste claim of the petitioner cannot be invalidated if other documents post 1961 are showing her caste as 'Zade'. Therefore, the petition succeeds and the following order is passed:-

i) The impugned order dated 05.08.2024 passed by the Committee in Case No. जिजाप्रपस, चंद्रपुर / शैक्षणिक / नस्तीबध्द / समिती निर्णय / १६१० is hereby quashed and set aside.

ii) The Committee is directed to hand over the caste validity certificate which is impounded, to the petitioner within two weeks from the date of receipt of this order.

11. In the abovesaid terms, the petition is disposed of. Rule is made absolute accordingly. No costs.

(M. W. CHANDWANI, J.)

(SMT. M. S. JAWALKAR, J.)