



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

M.C.A NO. 280 OF 2024 IN WP NO. 5185/2022

Scheduled Tribe Certificate Scrutiny Committee, Chandrapur Vs. Shivani
Sakharam Dhakate

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. D.V. Chauhan, Government Pleader and Senior Advocate for
Applicant /Original Respondent

Mr. R.S. Parsodkar, Advocate for Non-applicant / original Petitioner

**CORAM: AVINASH G. GHAROTE &
URMILA JOSHI-PHALKE, JJ.**

DATED : 8th MAY, 2025

1. Civil Application (CAW) No. 523/2025 in Misc. Civil Application No. 280/2024 seeks amendment of the grounds of review and placing of documents on record. Considering the nature of the grounds raised, which relates to suppression by the original petitioner, the same is allowed. The amendment be carried out forthwith.

Misc. Civil Application No. 280/2024

2. The Misc. Civil Application seeks review of the judgment dated 01.09.2023 on the ground that the same has been obtained by suppressing from the Court the position that to two persons in the family tree submitted by the original petitioner herself, validity has been denied by the Scrutiny Committee,

challenge against which before this Court has been given up. The family tree in the original petition is at page No. 31 of the record, as submitted by the original petitioner on 16.01.2021 and indicates that Sakharam, father of Shivani had three brothers, Vitthal, Pundlik and Vinod. The learned AGP, has placed on record an order dated 04.3.2018 in Writ Petition No.3353/1999 filed by Vinod Budhaji Dhakate, challenging decision of the Committee regarding his tribe claim, by which the petition was withdrawn. He has also placed on record validity issued by the Scrutiny Committee, Nagpur in favour of Vinod Budhaji Dhakate, issued on 04.2.2004, indicating that the claim of Vinod Budhaji Dhakate belonging to special Backward Category (SBC) of “Koshti” has been found to be valid. He also placed on record the screen shot of the website of this Court which indicates that the other brother of Sakharam namely Pundlik Budhaji Dhakate has also filed Writ Petition No. 2860/1999 which also came to be disposed off on 16.09.2005, giving up challenge to rejection of his claim for validity. It is, therefore, contended, that the judgment sought to be reviewed has been obtained by suppressing that the tribe claim of the real uncles of the original petitioner was invalidated by the Committee, challenge to which has been withdrawn.

3. The original petitioner in reply to the review dated 14.02.2025, has admitted the position, that the caste claim of Vinod Budhaji Dhakate, her uncle, was invalidated, consequent to which, he has applied and obtained SBC certificate of belonging to Koshti (para 9 page 45 of the reply).

4. In this context, we would like to quote rule 16(h) of the Caste Certificates Rules, 2012, which is as under :-

“16. Information to be supplied by applicant

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(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(g) ...

(h) attested copy of decision of Scrutiny Committee and of Validity Certificate of applicant's father in blood relation or real uncle or any other relative of the applicant in blood relation from paternal side, if any.”

5. A perusal of the aforesaid Rules would indicate that the applicant claiming validity have to place on record the attested copy of the decision of the Scrutiny Committee and a validity certificate of the applicants father in blood relation or real uncle

or any other relative of the applicant in blood relation from the paternal side, if any. That would, to us indicate that it is equally the duty of the applicant who approaches the Scrutiny Committee to place on record, material indicating invalidating the caste claim also. It was, therefore, incumbent on the original petitioner considering the genealogy pleaded by her in the affidavit dated 16.09.2021 (page 32 of the original petition), where Pundlik and Vinod are shown to be her real uncle, to have disclosed the rejection of the claim of Vinod by the Scrutiny Committee and subsequent withdrawal of the challenge, which is now being admitted, as indicated in para 9 of the reply to the review application.

6. We make it clear, it is incumbent upon every applicant who approaches for grant of validity, before the Scrutiny Committee, to make a full and candid disclosure of the entire genealogical tree, starting with his grand-father or great grand-father, upto the position where the relevant document reflecting upon the caste claim is being relied upon, which would include a duty to disclose also the rejection of any claim made by any person in the genealogical tree. Since we find, that it is now an admitted position, considering the reply filed by the

original petitioner to the review application as indicated in para 9 above, that rejection of the claim of Vinod the real uncle and the giving up of the challenge to it before this Court is an admitted position, which has not been disclosed by the petitioner, to the Scrutiny Committee as well as in this petition while raising a challenge to the decision invalidating the claim, the basic premise on which the judgment dated 01.09.2023 in Writ Petition No. 5185/2022 is based, stands vitiated. This is moreso, as it is now brought to our notice that the claim of the other uncle Sakharam Budhaji Dhakate as well as of Swapnil Pundlik Dhakate, the cousin of the original petitioner of belonging to Halba was also rejected and the challenge against it before this Court has resulted in remitting the matter back to the Committee. The review application is, therefore, allowed. The judgment and order dated 01.09.2023 for the reasons recorded above is hereby recalled.

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7. In view of what has been held by this Court while considering the application for review, a suggestion was put to Mr. Parsodkar, learned counsel for the petitioner that since the tribe claim of Sakharam, the uncle of the petitioner as well as of Swapnil Pundlik Dhakate, has been remanded back

by the learned Division Bench to the Scrutiny Committee for decision afresh whether the petitioner will be willing to go back to Committee, to which he answers in the affirmative, in view of which, the decision dated 02.08.2022 passed by the Scrutiny Committee as impugned in Writ Petition No. 5185/2022, is hereby set aside and the matter is remitted back to the Scrutiny Committee for being decided along with claim of Sakharam Budhaji Dhakate, Swapnil Pundlik Dhakate and present petitioner and for that matter any other member in the genealogical tree.

8. It is made clear, that the tribe claim of the petitioner and her relatives shall be decided on its own merits without being influenced by any observations made by this Court, on the basis of the documents and the vigilance.

9. The petitioner shall appear before the Scrutiny Committee on 02.06.2025 without any notice being required to be issued in this regard. The Scrutiny Committee shall decide the claim as expeditiously as possible and in any case within a period of six months.

10. In view of what we have discussed above, the notice of contempt issued to the Committee is

discharged, but in case the Court finds in future, the decisions rendered by this Court are not being followed, the Court shall be constrained to take appropriate cognizance of the same and impose exemplary costs too.

11. Insofar as present petition is concerned, no coercive action shall be taken against the petitioner, till the decision by the Committee.

12. Considering the circumstances, the petitioner shall pay the costs of Rs.25,000/- to the Committee.

(URMILA JOSHI-PHALKE, J.) (AVINASH G. GHAROTE, J.)