IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 5629 of 2024

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE DEVAN M. DESAI

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Approved for Reporting	Yes	No
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NANABHAI AMIRBHAI KHANT
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MR YASH J PATEL(11240) for the Petitioner(s) No. 1
MS AGNEYA MANKAD, AGP for the Respondent(s) No. 1,2,3
NOTICE SERVED BY DS for the Respondent(s) No. 2,3

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CORAM:**HONOURABLE MR. JUSTICE DEVAN M. DESAI**

Date : 05/11/2026

JUDGMENT

1. The present petition is filed by the petitioner under Article 226 of the Constitution of India, 1950 challenging the order dated 28.06.2023 passed by respondent No.2-Deputy Superintendent of Police (Vigilance Cell), Vadodara, whereby the Scheduled Tribe certificate of petitioner came to be rejected.

2. Rule returnable forthwith. Learned AGP waives service of notice of Rule for the respondent-State.

3. Heard learned advocate Mr. Yash J. Patel for the petitioner and learned AGP Ms. Agneya Mankad for the respondent-State.

4. Upon request and with consent of learned advocates for the parties, the present petition is taken up for final disposal.

5. Learned advocate for the petitioner submits that petitioner falls under the category of Scheduled Tribe and having a caste certificate issued by State Government. Petitioner was appointed as Regional Officer at Narmada Water Irrigation Department on 29.10.1997. The petitioner's Scheduled Tribe Certificate was scrutinized by Scrutiny Committee on receiving random complaint. The Vigilance Cell intimated the Chief Engineer, Gandhinagar to scrutinize petitioner's Scheduled Tribe Certificate. Relevant documents were called upon which were supplied by petitioner. The Vigilance Committee approved cast certificate of present petitioner. The Scrutiny Committee without issuing any notice to present petitioner, held an inquiry and rejected cast certificate of petitioner. It is further submitted that

the principles of natural justice have been violated while conducting scrutiny of caste certificate of petitioner. In absence of any fair chance being given to the petitioner, the Scrutiny Committee ought not to have rejected caste certificate of petitioner. It is further submitted that as per the School Register, the petitioner belongs to Hindu-Kshetriya. The Scrutiny Committee arbitrarily held that there is tampering with the school records. Learned advocate for the petitioner, therefore, prays for quashing and setting aside the impugned order. It is further submitted that though there is a recommendation to initiate criminal proceedings against the present petitioner as per the order dated 15.03.2024 passed by the Chairman and Joint Commissioner, Departmental Analysis Committee, Vadodara, till today, no such criminal proceedings have been initiated against the present petitioner. Except above, no other submissions are canvassed by learned advocate for the petitioner.

6. *Per contra*, learned AGP for the respondents submitted that Scrutiny Committee directed the Vigilance Cell to verify the caste certificate and on verification of school records, it was found that there was a tampering with school records in the column of caste / sub-caste Hindu-Khant (Non-Kshetriya). The Vigilance Cell further inquired from the school in which father of petitioner studied. As per the certificate issued by the Principal of the School, the caste of petitioner's father is mentioned as Hindu (Kshetriya). On the basis of such inquiry, the order dated 28.06.2023 came to be passed and a recommendation was made to cancel the caste certificate of petitioner and to initiate criminal proceedings as well as departmental proceedings against the petitioner. Therefore, it is submitted that the impugned order is just and proper and the same does not require any interference by this Court. Except above, no other submissions are made by learned AGP for the respondent-State.

7. I have heard learned advocates for the parties and perused the papers. The short question involved in the present petition is with regard to the cancellation of caste certificate which was issued by the State Government in favour of petitioner. On the basis of inquiry conducted by Scrutiny Committee, caste certificate was approved. However, the Scrutiny Committee without intimating the petitioner by issuing any notice, directed the Vigilance Cell to inquire into the caste certificate issued in favour of petitioner. The Vigilance Cell inquired from the school wherein the petitioner studied and found tampering with the record of age statement maintained in the School. The Vigilance Cell further inquired from the School wherein father of petitioner studied. However, no record could be extracted. As per the report of Talati-cum-Mantri, the caste certificate relating to the father of petitioner was not available for verification of the certificate, therefore, the inquiry was not concluded. It is to be noted, at this stage that the school records is under the control and supervision of school authorities and it is not the case of

respondent that such tampering with the record is at the instance of the petitioner. Learned AGP for the respondents could not point out from any material that despite recommendation of respondent Nos.2 and 4 respectively for the initiation of criminal proceedings against the petitioner, any criminal prosecution has been initiated or not.

8. Moreover, the caste certificate was approved by Scrutiny Committee on the basis of documents submitted by petitioner. The same Scrutiny Committee, without giving any opportunity of being heard to the petitioner, proposed to cancel the caste certificate. The inquiry which was conducted by Vigilance Cell was not conclusive and on the basis of assumption and presumption, a recommendation was made by Vigilance Cell to cancel cast certificate of petitioner.

9. The cancellation of a caste certificate is a quasi judicial function, failing to provide a notice or hearing violates the principle of *audi alteram partem* and Article 14 of the

Constitution of India. The authorities cannot cancel a caste certificate, unilaterally or without affording an opportunity of being heard to the certificate holder. If the authority violates the principle of natural justice by cancelling certificate without a notice of hearing, this Court under Article 226 of Constitution of India sets aside the arbitrary order. Since there is a violation of principles of natural justice as can be gathered from the aforesaid facts, I am of the opinion that present petition deserves to be allowed and the same is allowed. Accordingly, the order dated 28.06.2023 passed by respondent No.2-Deputy Superintendent of Police (Vigilance Cell), Vadodara is hereby quashed and set aside. Respondent Authority is directed to validate Scheduled Tribe Caste Certificate of the petitioner in accordance with documents produced by the petitioner. Rule is made absolute. No order as to costs.

(D. M. DESAI,J)

RINKU MALI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RINKU MALI(HC01574), PRIVATE SECRETARY, at High Court of Gujarat on 05/11/2026 16:14:32