



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5008 OF 2024

Madarbi d/o Jalalsab Sayyad

Age : 62 years, Occu. Sarpanch and Household,

R/o. Pimpalgaon, Tq. Naigaon Kh.,

Dist. Nanded

...Petitioner

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Social Justice Department,
Mantralaya, Mumbai

2. District Caste Certificate Scrutiny Committee,
Nanded,
Through its Member Secretary,
Dr. Babasaheb Ambedkar Social Justice Bhavan,
Hingoli Road, Nanded.

3. The District Collector,
Nanded

4. Jagdish s/o Vishwanath Kadam,
Ag: 45 years, Occu.: Business,
R/o. Pimpalgaon, Tq. Naigaon Kh.,
Dist Nanded.

...Respondents

...

Mr. Chandrakrant R. Thorat, Advocate for the Petitioner

Mr. P. S. Patil, AGP for Respondent Nos. 1 to 3-State

Mr. U. B. Bilolikar, Advocate for Respondent No.4

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CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.

Reserved on : 27.03.2026

Pronounced on : 22.04.2026

JUDGMENT (PER : ABASAHEB D. SHINDE, J.) :

1. Heard learned Counsel for the petitioner, learned AGP for
Respondent Nos.1 to 3/State Authorities and learned Counsel for

Respondent No.4.

2. By this Writ Petition the petitioner is challenging the judgment and order dated 29.04.2024 passed by Respondent No.2-Scrutiny Committee thereby invalidating the tribe claim of the petitioner of belonging to 'Chhapparband', Vimukta Jati-A.

3. Learned Counsel for the petitioner submits that despite having produced voluminous documents on record in support of the petitioner's tribe claim, Respondent No.2-Scrutiny Committee has discarded those documents. He further submits that Respondent No.2-Scrutiny Committee has not given sufficient opportunity of hearing to the petitioner. He would further submit that though the petitioner has relied on the revenue record pertaining to the year 1943 of her forefathers showing the caste 'Chhapparband', Vimukta Jati-A, the said document has been discarded. He would further submit that Respondent No.2-Scrutiny Committee in the impugned order has observed that though the petitioner has relied on the validity certificates of Sayyed Nazir Sayyed Jalalsab and Sayyed Tabsum Fatema Najirsab, however, relying on the statement of their father, namely, Jalalsab Lalsab Sayyed that the petitioner is not at all related to the validity holders, Respondent No.2-Scrutiny Committee discarded those validities.

4. Learned Counsel for the petitioner would further submit that in

fact one of the validity holder who has denied the relationship of the petitioner with him, is now ready to give an affidavit stating that the petitioner is his sister. He therefore urge that in view of these subsequent events, the matter needs to be remanded back. He further submit that in fact Respondent No.2-Scrutiny Committee has invalidated the tribe claim of the petitioner on the basis of a complaint filed by Respondent No.4, who has no *locus standi*. He would further submit that the petitioner was required to approach this Court as the Vigilance Cell Enquiry was conducted under the influence of Respondent No.4 and the officers of Vigilance Cell were bent upon to give adverse report. He therefore submit that due to improper Vigilance Cell Enquiry the petitioner could not substantiate her tribe claim of belonging to 'Chhapparband', Vimukta Jati-A. He therefore urge that by setting aside the impugned order the matter may be remanded back to the Respondent No.2-Scrutiny Committee.

5. Learned AGP, on the other hand, by producing the record for our perusal, would submit that the petitioner's attempt to obtain the validity certificate of belonging to 'Chhapparband', Vimukta Jati-A relying on the validities of the persons named hereinabove is nothing short of a fraud. He would submit that during the Vigilance Cell Enquiry, it was revealed that the petitioner who pretend to be a daughter of one Jalalsab Lalsab Sayyed, whose sons have been granted validity certificates, is trying to stake her claim for obtaining validity. He would submit that the record

depicts that the name of petitioner's father is not Jalalsab Lalsab Sayyed but it is Vaziroddin Sayyed. In short, it is the contention of the learned AGP that the petitioner has gone to the extent of even changing the name of her father. He has also invited our attention to the statement of said Jalalsab Lalsab Sayyed to contend that the said Jalalsab Lalsab Sayyed has categorically stated that he does not know the petitioner nor the petitioner is his blood relative. The said statement depicts the details of his children where the name of petitioner does not figure. Learned AGP therefore submit that the Writ Petition is devoid of any substance, and the same deserves to be dismissed. He would further submit that the matter does not deserve even to be remanded back to Respondent No.2-Scrutiny Committee.

6. After having considered the rival submissions advanced by learned Counsel for the petitioner and learned AGP and after perusal of the record we find that though it is sought to be contended by the petitioner that the validity holders, namely, Sayyed Nazir Sayyed Jalalsab and Sayyed Tabsum Fatema Najirsab are her brothers, however, during Vigilance Cell Enquiry these two validity holders have denied their relationship with the petitioner. It is pertinent to note that the father of said validity holders in his statement has unequivocally denied the relationship of the petitioner with him. The petitioner while submitting her tribe claim has produced the genealogy including the names of those

validity holders though they are not at all related to the petitioner. Record also depicts that the public documents such as petitioner's Election Card, Pan Card as well as the other documents show that the name of petitioner's father is Vaziroddin Sayyed and not Jalalsab Lalsab Sayyed, meaning thereby the petitioner has gone to the extent of even changing the name of her father. The attempt of petitioner to show her relationship with said Jalalsab Lalsab Sayyed is for obvious reason to derive benefit of revenue record standing in the name of forefathers of said Jalalsab Lalsab Sayyed, showing their caste as 'Chhapparband', Vimukta Jati-A.

7. We thus find that this is a classic example of demonic ambition to gain a political post such as 'Sarpanch' by obtaining the caste certificate of belonging to 'Chhapparband', Vimukta Jati-A even by going to the extent in misleading Respondent No.2-Scrutiny Committee by preparing false genealogy as well as showing the relationship with the validity holders who in fact are not at all related to the petitioner.

8. Before parting, we may observe that because of this kind of element, the genuine candidate who belongs to a particular reserved category is being deprived from getting the benefit of reservation. We are also of the opinion that due to misuse of reservation policy by obtaining fraudulent caste certificates and seeking its validation for the purpose of gaining political post the very purpose of reservation policy is getting frustrated. We are of the considered view that such practice needs to be

deprecated.

9. In our considered view the petitioner has utterly failed to substantiate her tribe claim of belonging to 'Chapparband', Vimukta Jati-A by producing the cogent evidence including the oldest documents other than which we have already adverted to.

10. Though learned Counsel for the petitioner urged that the tribe claim of the petitioner has been invalidated at the behest of Respondent No.4 who has no *locus standi*, however, we are not impressed with the said submission as we ourselves have perused the entire record and we do not find any perversity or illegality in the impugned order rendered by Respondent No.2-Scrutiny Committee while invalidating the tribe claim of the petitioner.

11. In the light of above discussion and considering the conduct of the petitioner, we do not find that the impugned order passed by the Scrutiny Committee which is based on appreciation of record and by giving cogent reasons, is either erroneous or perverse which warrants interference of this Court under Article 226 of the Constitution of India.

12. The Writ Petition is therefore devoid of any substance and the same deserves to be dismissed. Writ Petition accordingly stands dismissed.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE, J.)