



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10391 OF 2025

MUGDHA SWATI KOKATE UNDER GUARDIAN OF HER MOTHER
SWATI HARIBHAU KOKATE

VERSUS

DISTRICT CAST VALIDITY CERTIFICATE SCRUTINY COMMITTEE
AHMEDNAGAR THROUGH IS MEMBER SECRETARY

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Advocate for the Petitioner : Mr. D.A. More h/f Mr. Pankaj A. Bharat
AGP for Respondent/State: Mr. P. S. Patil

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

DATED : APRIL 02, 2026

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

1. Heard.
2. Rule. Rule is made returnable forthwith. With the consent of the parties the petition is heard finally at the stage of admission.
3. By this Writ Petition, the petitioner takes an exception to the order dated 30.09.2024, passed by the respondent/Scrutiny Committee, by which the caste claim of the petitioner of belonging to “Kunbi” – Other Backward Class has been invalidated.
4. The caste certificate of the petitioner of belonging to “Kunbi” – Other Backward Class was submitted through her mother, for its verification before the respondent/Scrutiny Committee. The petitioner contends that, along with the proposal for verification of her caste

certificate, the petitioner has placed on record the oldest documents from her maternal side. It is the contention of the petitioner that, the reason for relying on the documents from maternal side is because, the marriage of her father and mother was dissolved under the order of learned Civil Judge, Senior Division, Ahmednagar dated 26.03.2019 in Hindu Marriage Petition No. 477 of 2018, filed under Section 13(b) of the Hindu Marriage Act, 1955. The petitioner therefore, contends that, since from the date of dissolution of marriage of petitioner's parents, the petitioner is staying with her mother and since she is being nurtured by her mother, the documents produced by the petitioner before the respondent/Scrutiny Committee from maternal side were relied upon. It is further contended that, the Scrutiny Committee, however, discarded the documents from maternal side and invalidated the tribe claim of the petitioner by the impugned order. The petitioner is thus before this Court challenging the impugned order.

5. The learned counsel for the petitioner submits that, though the copy of order thereby dissolving the marriage of the petitioner's parents was placed on record before the Scrutiny Committee, the Scrutiny Committee ignored the said aspect. He would further submit that, once the marriage of the petitioner's parents has been dissolved under the orders of the competent Court and when the petitioner is staying with her mother, she has given up her relations with her father

and therefore, the petitioner was justified in relying on the documents from the maternal side. As far as documents relied upon by the petitioner from maternal side are concerned, those are oldest documents having probative value and therefore, the Scrutiny Committee ought to have considered those documents. He would further submit that, the oldest document relied upon by the petitioner, pertains to the great grandfather of petitioner's mother. All these documents pertain to the year 1913 and 1912, showing that the caste of the forefathers of petitioner's mother is "Kunbi" – Other Backward Class, which is oldest documents pertains to pre-independence era and the respondent/Scrutiny Committee has committed an error in discarding these documents and invalidating the caste claim of the petitioner. To substantiate the submissions that the documents from the maternal side needs to be considered by the Scrutiny Committee and can be relied upon in the light of the fact of dissolution of marriage of the parents of the claimant, the learned counsel for the petitioner relied on the following judgments and orders of this Court :-

- (I) Mrs. Madhavi Ramteke and another Vs. State of Maharashtra and others in (Writ Petition No. 2342 of 2018 dated 12.09.2018) [Nagpur Bench]
- (II) Anchal d/o Bharati Badwaik Vs. The District Caste Scrutiny Committee Nagpur and others decided on 08.04.2019 in [Writ Petition No. 4905 of 2018] [Nagpur Bench]
- (III) Ku. Noopur D/o Prashant Ambre Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and another [in W.P. No. 1737 of 2018] decided on 08.07.2019 [Nagpur Bench].

(4) XYZ and another Vs. The State of Maharashtra and Others [in W.P. No. 15528 of 2025 decided on 2.2.2026][Aurangabad Bench]

6. Per contra, the learned A.G.P., while opposing the Writ Petition would submit that, at the outset, the petitioner could not have relied on the documents from maternal side and therefore, the Scrutiny Committee has rightly discarded those documents. He would further submit that, even assuming though not admitting that the petitioner has relied on the document from maternal side, even those documents which have been relied upon are not helpful to the petitioner, as those documents are not sufficient to substantiate that the forefathers of petitioner's mother belonged to '*Kunbi*' – Other Backward Class. He would further submit that, the petitioner has failed to place on record any validity granted from at least the maternal side of the petitioner, and therefore, urged that the Writ Petition deserves to be dismissed.

7. After having heard the learned counsel for the petitioner and the learned A.G.P., at the outset, we find that the petitioner has placed on record the copy of validity certificate issued in favour of the petitioner's mother of belonging to '*Kunbi*' Other – Backward Class, dated 26.11.2010. We, therefore, find that in the light of the judgments delivered by this Court (supra) as well as in view of the fact that, the marriage of petitioner's parents has been dissolved way back

in the year 2019, and as the petitioner has given up her relation with her father and residing with her mother, shows that, the petitioner is entitled to rely on the documents from her maternal side. We, thus find that the findings of the Scrutiny Committee, thereby discarding the documents relied upon by the petitioner from her maternal side are perverse.

8. We are also of the considered view that in the light of validity certificate issued in favour of the petitioner's mother of belonging to "*Kunbi*" – Other Backward Class, the matter deserves to be remanded back to the Scrutiny Committee for deciding the caste claim of the petitioner afresh taking into consideration the caste validity certificate issued in favour of her mother as well as in the light of observations herein above that, the documents from maternal side needs to be taken into consideration. We are therefore, inclined to allow this Writ petition partly, by remanding the matter back to the respondent/ Scrutiny Committee for deciding the same afresh. We, therefore, pass the following order.

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order dated 30.09.2024 passed by the respondent/ Scrutiny Committee, Ahilyanagar (Ahmednagar), invalidating the caste claim of the petitioner is hereby quashed and set aside.

- (iii) The matter is remanded back to the respondent/ Scrutiny Committee to consider the documents placed on record by the petitioner from maternal side including the validity certificate issued in favour of petitioner's mother.
- (iv) We make it clear that the respondent/Scrutiny Committee is at liberty to decide the proceeding in accordance with law and on its own merits.
- (v) Since the caste claim of the petitioner is of the year 2024, we direct the respondent/Scrutiny Committee to make an endeavour to decide the same, within a period of one year from today.
- (vi) With these directions, the Writ Petition stands disposed of.
- (vii) Rule is made absolute in aforesaid terms.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

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