

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3454 OF 2024

Vishawajeet Sanmat Digambare
Age: 33 years, Occ: Agriculturist,
R/o: Waliwade, Tal: Karveer,
Dist: Kolhapur.

.....Petitioner

Versus

1) State of Maharashtra
through its Secretary, Social
Justice and Special Assistance
Department, Mantralaya,
Mumbai.

2) District Caste Certificate
Scrutiny Committee, Kolhapur
Through its President,
Having its office at
Dr. Babasheb Ambedkar Social
Justice Bhawan, Second Floor,
Vichare Mala, Kolhapur.

3) Prakash Ravso Shinde
Age: Adult, Occ: Agriculturist,
R/o: Waliwade, Tal: Karveer,
Dist: Kolhapur.

....Respondents

Mr. Prathamesh Bhargude i/by Mr. Sumit Vhanbatte a/w Mr. Aditya Raktade, Advocate for the Petitioner.

Mr. Rajvardhan S. Chougule i/by Mr. Drupad S. Patil, Advocate for the Respondent No.3

Mr. Siddheshwar B. Kalel, AGP for the Respondent-State.

**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 9th MARCH, 2026.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

1. Rule. Rule made returnable forthwith with the consent of the parties.
2. By this Petition, challenge is to the order passed by the Respondent No.2 – District Caste Certificate Scrutiny Committee, Kolhapur (for short “Caste Scrutiny Committee”) dated 09.11.2023, whereby the caste claim of the Petitioner belonging to caste ‘Jain - Pancham’, which recognized as ‘Other Backward Class’ is rejected.
3. A perusal of the record shows that the Petitioner by claiming that he belongs to the caste ‘Jain - Pancham’ submitted the proposal for verification before Respondent No.2 - Caste Scrutiny Committee after obtaining the Caste Certificate from the Competent Authority i.e. Sub Divisional Officer. Accordingly, after referring the caste claim, the Caste Scrutiny Committee as provided under the Rules, forwarded the documents which Petitioner has relied upon in support of his claim to Vigilance Cell for verification. The Vigilance Cell accordingly made an inquiry into the documents and submitted its report to the Member Secretary, Caste Scrutiny Committee on 24.07.2023.

4. The vigilance cell conducted School as well as home inquiry in the matter. In their School and home inquiry, on the basis of statements recorded, it is revealed that the school record produced by the Petitioner shows manipulation and therefore, the said documents cannot be relied upon. As such the negative report was submitted to the Member Secretary of the Committee.

5. It is pertinent to note that the copy of the said report was handed over to the Petitioner. As per the Rules, Petitioner is always at liberty to object the said vigilance report and establish his case independently before the Committee. However, the record nowhere shows that Petitioner any time objected the said vigilance report nor his explanation is available on record.

6. In the background of this factual position, the Caste Scrutiny Committee by relying upon the vigilance cell report rejected the caste claim of the Petitioner. Against the said order of the Committee dated 09.11.2023, Petitioner approached before this Court and challenged the order, mainly on the ground that Respondent No.3, who is political opponent has lodged false complaint and under his political pressure, the Committee has passed the order.

7. In response to the Petition, the Respondent No.3 appeared in the matter and filed his reply. The Respondent No.3 has specifically pointed in his reply, the family tree of the Petitioner. The bare perusal of this

family tree, clearly demonstrates the fact that the forefathers of the Petitioner were belonging to caste 'Jain-Chaturth'. So also the Respondent No.3 has pointed out the document dated 11.08.2023, which was issued by one 'प्रतिष्ठाचार्य पं. श्री आदिनाथ नाभिराज उपाध्ये', whereby he has specifically stated that the certificate was inadvertently issued by him in the name of Shri.Vishawajeet Sanmat Digambare.

8. The learned A.G.P also pointed out from the record that there is no *prima facie* error committed by the Committee while recording the reasons. So also relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Kumari Madhuri Patil v. Additional Commissioner, Tribal Development***¹ particularly in Paragraph-15 which reads as under:

"15. The question then is whether the approach adopted by the High Court in not elaborately considering the case is vitiated by an error of law. High Court is not a court of appeal to appreciate the evidence. The Committee which is empowered to evaluate the evidence placed before it when records a finding of fact, it ought to prevail unless found vitiated by judicial review of any High Court subject to limitations of interference with findings of fact. The Committee when considers all the material facts and records a finding, though another view, as a court of appeal may be possible, it is not a ground to reverse the findings. The court has to see whether the Committee considered all the relevant material placed before it or has not applied its mind to relevant facts which have led the Committee ultimately record the finding. Each case must be considered in the backdrop of its own facts."

9. After hearing all the parties in the matter, we have perused the record. From the perusal of the record, it is clear that the vigilance cell report which is the bone of the Judgment of Committee, seems to be not

¹ (1994) 6 SCC 241

controverted by the Petitioner before the Committee members nor before this Court. The perusal of this report shows that the vigilance has recorded the statements of Ramchandra Raghu Mane, who was Head Master of the School along with Shri.Annaso Bhimrao Rote and Shri. Sharad Babaso Navale. On the basis of statements of these independent persons, the report was prepared. The report specifically states that, though the School record shows the caste of the Petitioner as 'Jain-Pancham', there is a clear interpolation of the word 'Pancham'. Hence, the documents which are relied upon by the Petitioner are not trustworthy. So also it is recorded that in the documents of father and cousins of the Petitioner, the caste is recorded as 'Jain-Chaturch'. Therefore, unless these findings are controverted or shown to be perverse, it would not be justified to intervene in the present matter.

10. It is further pertinent to note that the family tree which was relied by Respondent No.3 is not controverted by the Petitioner in the matter. So also he has not filed any independent family tree on record to demonstrate that his forefather belonging to caste of 'Jain-Pancham'. The certificate dated 11.08.2023 which was issued by one 'प्रतिष्ठाचार्य पं. श्री आदिनाथ नाभिराज उपाध्ये', also stated that the certificate was inadvertently issued by him in the name of Shri.Vishawajeet Sanmat Digambare. As such considering the overall factual position of the matter, it is clear that the Committee has rightly appreciated the entire oral as well

documentary evidence produced on record and thereby hold that the Petitioner failed to establish his caste as 'Jain – Pancham'.

11. In view of the law laid down in the case of ***Kumari Madhuri Patil (Supra)*** as there is no error apparent on record and the view taken by the Committee is on the basis of documents made available on record and by relying upon the report of vigilance cell, we do not find any merit in the present Petition and accordingly Petition fails and therefore same stands dismissed.

12. Rule is discharged. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]