

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17418 OF 2024

SATISH
RAMCHANDRA
SANGAR

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SATISH RAMCHANDRA
SANGAR

Date: 2026.01.29
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Smt.Mrunali Mukund Sawardekar,
Age : 36 Years, Occupation : Nil,
Residing at : Room No.9, Building No.59/A,
Purvanchal Ltd., Gen. Nagari Nivara
Parishad Zone – 2, Goregaon (East),
Aareymilk Colony, Mumbai : 400 065.

...Petitioner

Versus

1. **State of Maharashtra**
Through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai : 400 032.
2. **District Caste Certificate Scrutiny
Committee, Mumbai City,**
Through its Member Secretary,
Having its Office at Panchashil M-1,
Ground Floor, Siddharth Girhnirman
Sanstha, Labour Camp, Valmiki Road,
Matunga, Mumbai : 400019.
3. **Deputy Collector, Mumbai City,**
G. South Division, Having its Office at
Old Custom House, 404, 4th Floor,
Navin D.D. Build., June Jakat Ghar,
Shaheed Bhagatsing Marg, Fort,
Mumbai : 1.
4. **Mr.Pravin Prakash Phutane,**
Residing at : Room No.421, 4th Floor,
“H” Wing, Sai Shraddha Co-Op. Housing
Society, Mulgaon Dongri, Next to Kanakia
Wall Street, Behind Dominoz Pizza,
Andheri East, Mumbai : 93.

...Respondents

Mr.R.K.Mendadkar, Advocate for the Petitioner.
Mr.N.C.Walimbe, Addl.G.P. a/w Smt.Ashwini A. Purav, AGP, for the
Respondents-State.

CORAM : M.S.KARNIK &
S. M. MODAK, JJ.
DATE : 27th JANUARY 2026

ORAL ORDER : (PER : M.S.KARNIK, J.)

1. Heard learned counsel for the Petitioner and learned Addl.G.P.
2. The Respondent No.3 has refused to issue a Caste Certificate to the Petitioner's daughter as belonging to the "*Mochi Scheduled Caste*". The Petitioner i.e. Smt.Mrunali Mukund Sawardekar is already issued with a Caste Certificate as belonging to "*Mochi Scheduled Caste*".
3. It is the submission of learned counsel for the Petitioner that the Petitioner's mother belonging to Scheduled Tribe married with the Respondent No.4 who belongs to forward caste. However, on account of matrimonial disputes, the parties decided to obtain divorce by mutual consent. It is the submission of learned counsel that it is the Petitioner who has been taking care of her minor child who has been brought up by the Petitioner belonging to the Scheduled Tribe.

4. Learned counsel for the Petitioner relied upon the decision of the Hon'ble Supreme Court in ***Rameshbhai Dabhai Naika V/s. State of Gujarat and Others***¹ in support of his submission. Paragraph No.55 and paragraph No.56 thereby reads thus:-

“55. In an inter-caste marriage or a marriage between a tribal and non-tribal there may be a presumption that the child has the caste of the father. This presumption may be stronger in the case where in the inter-caste marriage or a marriage between a tribal and a non-tribal the husband belongs to a forward caste. But by no means the presumption is conclusive or irrebuttable and it is open to the child of such marriage to lead evidence to show that he/she was brought up by the mother who belonged to the Scheduled Caste/ Scheduled Tribe. By virtue of being the son of a forward caste father he did not have any advantageous start in life but on the contrary suffered the deprivations, indignities, humiliations and handicaps like any other member of the community to which his/her mother belonged. Additionally, that he was always treated as a member of the community to which her mother belonged not only by that community but by the people outside the community as well.

56. In the case in hand the tribal certificate has been taken

¹ (2012) 3 Supreme Court Cases 400

away from the appellant without adverting to any evidence and on the sole ground that he was the son of a Kshatriya father. The orders passed by the High Court and the Scrutiny Committee, therefore, cannot be sustained. The orders passed by the High Court and the Scrutiny Committee are, accordingly, set aside and the case is remitted to the Scrutiny Committee to take a fresh decision on the basis of the evidence that might be led by the two sides. It is made absolutely clear that this Court is not expressing any opinion on the merits of the case of the appellant or the private contesting respondent.”

5. Though learned Addl.G.P. supported the impugned order, we find that in the present case, the competent Authority before taking any decision on the Application made for issuance of Caste Certificate ought to have inquired into the matter in terms of what has been laid down by Their Lordships in the above quoted decision. This has not been done. The Petition is, therefore, allowed.

6. The impugned order dated 24th June 2024 passed by the Respondent No.2 (Appellate Authority) as well as the order dated 22nd August 2023 passed by the Respondent No.3 are quashed and set aside. The Respondent No.3 is directed to consider the Application for issuance of Caste Certificate of the Petitioner’s minor daughter afresh

on its own merits and in accordance with law, in terms of the law laid down by the Hon'ble Supreme Court in case of ***Rameshbhai Dabhai Naika*** (*cited supra*), within a period of eight (8) weeks from the date of communication of the order. It is open for the Petitioner to file Additional Affidavit or produce additional materials in support of her claim within a period of two (2) weeks from today. The Petitioner to appear before the Respondent No.3 along with copy of this order on 2nd February 2026 at 11.00 a.m.

7. With these observations, Writ Petition stands disposed of.

8. Pending Applications, if any, also stand disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)