

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14112 OF 2025

SATISH
RAMCHANDRA
SANGAR

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Vedanti Nitin Sabale

Age : 24 Years, Occupation : Student,
Survey No.569, Flat No.11, Jijau,
Bibvewadi, Pune, District : Pune.

...Petitioner

Versus

1. **State of Maharashtra**
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai : 400 032.

2. **Scheduled Tribe Certificate**
Scrutiny Committee, Pune
Through its Member Secretary,
Having its Office at 5th Floor,
Kapil Tower, Near RTO,
Pune, District : Pune.

...Respondents

Mr.Chintamani Bhangoji, Advocate for the Petitioner.
Mr.Abhijeet Naik, AGP, for Respondents – State.
Ms.Rupali Andhare – Officer, present.

CORAM : M.S.KARNIK &
S. M. MODAK, JJ.

DATE : 5th JANUARY 2026

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

1. Heard learned counsel for the Petitioner. Learned AGP opposed the Petition and supported the impugned order.

2. The Petitioner is challenging the order dated 27th March 2025 passed by the Respondent No.2 - Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune thereby invalidating her tribe claim as belonging to "*Koli Mahadev Scheduled Tribe*".

3. The facts in the present case are that the Petitioner was granted Tribe Certificate as belonging to "*Koli Mahadev Scheduled Tribe*" by the Competent Authority on 2nd June 2018. The Petitioner moved before the Respondent No.2–Committee for verification of her Tribe Certificate in the year 2019. The Respondent No.2 passed the order invalidating the tribe claim of the Petitioner on 23rd September 2019. This was done without considering additional document in respect of tribe claim. This Court, in a challenge to the order passed by the Scrutiny Committee, in Writ Petition No.7962 of 2021, partly allowed the Petition and the matter was remitted back to the Respondent No.2 – Committee for fresh consideration vide the order dated 16th June 2022.

4. During the course of the proceedings before the Committee, the statement of Shri.Bharat Laxman Shendkar, Head Master of Zilla Parishad Prathmik Shala, Velhe Budruk, Taluka Velhe, District Pune was recorded on 9th October 2024 and 27th July 2022, with respect to

school record of the father.

5. The Petitioner filed an Application for cross-examination of the concerned Head Master Shri.Bharat Laxman Shendkar on 19th November 2024 of the Head Master Shri.Bharat Laxman Shendkar, whose statement, according to the Petitioner was contrary to the claim of the Petitioner. It is the submission of learned counsel for the Petitioner that even without giving an opportunity of cross-examination to the Petitioner, the Respondent No.2 passed an order invalidating the tribe claim of the Petitioner.

6. Learned AGP while supporting the impugned order, submitted that on the date when the Head Master Shri.Bharat Laxman Shendkar was examined, the Petitioner did not remain present and hence, it has to be held that the Petitioner has given up his right to cross-examine the Head Master.

7. We have heard learned counsel for the parties.

8. The Petitioner had made an Application on 19th November 2024 for cross-examination of the Head Master of Zilla Parishad Prathmik Shala, Velhe Budruk, Taluka Velhe, District Pune. The Committee has relied upon the statements of Head Master for deciding the tribe claim of the Petitioner while invalidating her caste claim. The said

Application which was filed much prior to the passing of the impugned order, was not decided by the Respondent No.2 – Committee.

9. In our opinion, having examined the Head Master – Bharat Laxman Shendkar for bringing on record the materials which are contrary to the interest of the Petitioner, when the Petitioner made a request for cross-examination of the said Head Master, an opportunity ought to have been given to the Petitioner.

10. Learned counsel for the Petitioner is justified in placing reliance on the observations of this Court (Nagpur Bench) in ***Ku.Kalpana d/o Govindrao Tapare V/s. State of Maharashtra and Others*** decided on 21st June 2006 in Writ Petition No.2335 of 2005. Paragraph No.5 therein reads thus:-

“The reasoning given by the Scrutiny Committee for rejecting her claim is totally devoid of any substance. On one hand the Scrutiny Committee has observed that the petitioner has not produced any proof about her claim regarding the entry in the school records and on the other hand it has rejected such opportunity to produce such proof. The very fact that the petitioner had prayed for opportunity to cross examine the school authorities discloses that the petitioner wanted to produce the proof in support of her statement that the school record does not disclose the factual position. The petitioner

could have established this fact certainly by cross-examining the school authorities. While denying such opportunity the Scrutiny Committee could not have at the same breath held that the petitioner has failed to establish her claim.

(Emphasis supplied)

11. Additionally, it is submitted by the counsel for the Petitioner that the impugned order is passed by the Committee comprising of four members two of whom were not part of the Committee which heard the matter.

12. In our opinion, on the ground that the Petitioner ought to have been given an opportunity to cross-examine the Head Master, in the facts and circumstances of the present case, more so, when the Petitioner had made an Application requesting for such cross-examination which was not decided, the impugned order needs to be and is quashed and set aside.

13. The matter is remitted back to the Respondent No.2–Committee for a fresh decision on the caste claim of the Petitioner after affording an opportunity to the Petitioner to cross-examine the Head Master. The Petitioner shall remain present before the Caste Scrutiny Committee on 15th January 2026 at 11.00 a.m. along with copy of this order. On the date fixed, the Petitioner shall cross-examine the Head

Master. The Petitioner shall co-operate with the Committee and shall not ask for unnecessary adjournments. The Committee is requested to decide the claim expeditiously afresh on its own merits and preferably within a period of three (3) months from 15th January 2026.

14. All contentions are kept open.

15. With these observations, the Petition stands disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)