



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 897 OF 2025

[Smt. Rajshree w/o Shekhar Selukar **vs.** The State of Maharashtra, through P.S.O.,
Sadar P.S., Nagpur and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Krutika U. Motdhare, Advocate for the applicant
Mr. N. B. Jawade, APP for the State/non-applicants

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED : 22-04-2026.

The applicant has filed this application for quashing First Information Report (FIR) registered with Sadar Police Station, Nagpur under the directions of Scheduled Tribe Certificate Scrutiny Committee. The FIR is registered vide Crime No. 177/2025 for the offence punishable under Sections 11(1)(a) and 11(1)(b) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, 2000 (Maharashtra Act No. XXIII of 2001).

2. The applicant had got appointment as Additional Treasury Officer on reserved seat of Scheduled Tribe on 21-5-1999. The applicant submitted caste certificate and validity certificate to the employer at the time of appointment. Based on the law declared by this Court at that point of time in the case of ***Milind s/o Sharadrao Katware Vs. State of Maharashtra*** in ***Writ Petition No. 2944/1984 dated 4-9-1985***, caste validity was

issued as per the observations of this Court that the 'Halba-Koshti' are belonging to Scheduled Tribe. The claim of the candidate is treated valid as he is belonging to Scheduled Tribe in view of the judgment of Nagpur Bench in Writ Petition No. 2944/1984. The SLP was pending before the Supreme Court of India challenging the said judgment.

3. Almost after 18 years of service, the applicant came to be terminated by the employer on 19-6-2017 for non submission of validity certificate. The applicant challenged said termination by filing Writ Petition No. 3968/2017 before this Bench. This Court has directed to approach the Maharashtra Administrative Tribunal. The Tribunal has dismissed the application, which was again challenged by the applicant before this Court and this Court by order dated 11-2-2020 reinstated the service of the applicant by directing the employer to immediately forward the caste claim of the applicant for verification. Pursuant to directions of this Court regarding reinstatement, the applicant was posted as Additional Treasury Officer, Chandrapur. Pursuant to directions, the applicant submitted online proposal along with documents for verification of her tribe claim. The scrutiny committee invalidated the caste claim of the applicant on the ground of documents submitted, area restrictions and affinity. Against the order of invalidation, the applicant's employer has initiated termination proceedings. The applicant has submitted a representation dated 11-3-2025 to the employer for considering the claim for placing the applicant on supernumerary post. Being aggrieved by the

decision of the scrutiny committee, the applicant has filed writ petition before this Court.

4. In view of Government Resolution dated 21-12-2019, this Court directed the employer to consider representation within a period of three months. As per order of the scrutiny committee, the Office of the Accounts and Treasury lodged FIR through its Officer, Mr. Sandip Dhonge, against the applicant for an offence punishable under Section 11(1)(a) and 11(1)(b) of the Maharashtra Act No. XXIII of 2001 and FIR No. 0177/2025 was registered.

5. Learned counsel for the applicant has stated that the applicant has not adopted any fraudulent means while applying for caste certificate and subsequently caste validity certificate. Therefore, no offence is committed by the applicant, hence, prayed to set aside the FIR registered against the applicant.

6. Learned Additional Public Prosecutor for non-applicant nos. 1 to 3 opposed the application stating that according to the documents submitted to the committee by the applicant as well as through social cultural affinity, it has been proved that she is not a Halba, Scheduled Tribe but belongs to 'Koshti' caste and that she has been illegally encroaching on the reservation of Halba, Scheduled Tribe since 1999. The Koshti caste is included in the list of Other Backward Classes of Central Government. As per Government decision of the Department of Social Justice and Sports, dated 7-12-1994,

the 'Koshti' caste has been included in Special Backward Category. Therefore, the conditional validity certificate of the applicant as a Scheduled Tribe has been cancelled and confiscated by the committee and a case has been registered against her under the Maharashtra Act No. XXIII of 2001. The directions have been given to take action as per provisions of Sections 10 and 11 of the Act.

7. In pursuance of the said decision, the Finance Department vide its letter dated 3-3-2025 has issued an order under Maharashtra Act No. XXIII of 2001. The Directorate of Accounts and Treasury, Mumbai is authorized to take action as per the provisions of Sections 10 and 11 of the Act. On 28-6-1999, at the time of appointment of the applicant, she has submitted the validity certificate of 'Halba Koshti' issued by the Scheduled Tribe Certificate Scrutiny Committee, Pune. The said caste validity certificate was issued subject to the decision of the Hon'ble Supreme Court in Special Leave Petition No. 16372/1985. As per the final decision of the Supreme Court, such candidate will not get the benefits of Scheduled Tribes in future. However, it was ordered that the admission and appointment given earlier will not be affected in any way as per the decision. As per the said provision, the caste validity certificate of the applicant has been cancelled. The action is legal, sustainable and fair. The present applicant has failed to make out the case in the seven exceptions carved out by the Hon'ble Supreme court in the case of *State of Haryana Vs. Bhajanlal* [AIR 1992 SC 604] for quashing of FIR, hence, prayed to reject

the application.

8. Heard both counsel. It appears from the record that when the applicant was appointed on the post of Additional Treasury Officer. She was having valid certificate of Scheduled Tribe. The validity certificate was also with her. The issue of 'Halba-Koshti' was contested before this Court. The committee has challenged the order passed by this court in case of *Milind Katware*, wherein this Court has held that the candidate belong to 'Halba-Koshti', sub-caste 'Koshti', claim of candidate is treated valid of he/she is belonging to Scheduled Tribe. Said judgment was challenged in SLP No. 16372/1985. Because of these litigations, earlier, the applicant was terminated and again, reinstated for the same. The Apex Court has set aside the order passed by this Court observing that 'Halba-Koshti' comes under the category of Special Backward Category and not Scheduled Tribe.

9. This Court had reinstated the applicant and directed that her caste claim be forwarded for verification. However, the caste claim was subsequently rejected and she was again terminated from service. Thereafter, the applicant made a representation for appointment to a supernumerary post, and in compliance with the directions of this Court, she was appointed to same post.

10. The FIR is registered against this applicant. It appears that the certificates are issued prior to the date, on which, the Act came into force. The provisions of the said Act, providing for punishment in the form of

imprisonment, shall not be attracted in the present case. The applicant has relied on the judgment of this Court in the case of ***Vilas Rambhau Majrikar Vs. State of Maharashtra in Criminal Application No. 1173/2010*** dated 22-6-2015.

11. Section 11(1)(a) and 11(1)(b) of the Maharashtra Act No. XXIII of 2001 provides as follows.

“11. Offences and penalties. (1) Whoever,- (a) obtains a false Caste Certificate by furnishing false information or filing false statement or documents or by any other fraudulent means; or (b) not being a person belonging to any of the Scheduled Castes, Scheduled Tribes, De notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category secures any benefits or appointments exclusively reserved for such Castes, Tribes, or Classes in the Government, local authority or any other company or corporation owned or controlled by the Government or in any Government aided institution, or secures admission in any educational institution against a seat exclusively reserved for such Castes, Tribes or Classes or is elected to any of the elective offices of any local authority or Co-operative Society against the office, reserved for such Castes, Tribes or Classes by producing a false Caste Certificate; Shall, on conviction, be punished, with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years or with fine which shall not be less than two thousand rupees, but which may extend upto twenty thousand rupees or both. (2) No court shall take cognizance of an offence punishable under this section except upon a complaint, in writing, made by the Scrutiny Committee or by any other

officer duly authorised by the Scrutiny Committee for this purpose.”

From the plain reading of this Section, it can be understood that if any individual has obtained caste certificate by furnishing false documents and on the basis of such certificate, if that individual has secured seat in the educational institution or job in the Government, local authority or any other company or corporation owned or controlled by the Government, then it can be inferred that such individual said to have committed offence under Section 11 of the Act.

12. In this case, the scrutiny committee issued validity certificate certifying that the applicant belongs to ‘Halba Koshti’. In view of the judgment passed by this Court in ***Milind Katware Vs. State of Maharashtra [1987 Mh.L.J. 572]***, which was the law laid down by the Court at that point of time, the applicant was appointed as Additional Treasury Officer in the year 1999. In pursuance of litigation commenced after termination of the applicant that the directions issued by this Court in Writ Petition No. 4899/2019 directing the employer to forward the caste claim of the applicant for verification, the applicant submitted online proposal along with documents to Scheduled Tribe Certificate Scrutiny Committee. She has not filed any false document to attract Section 11 of the Maharashtra Act No. XXIII of 2001. As *prima facie* no offence is committed by the applicant, the FIR which is registered against the applicant under Section 11 of the Maharashtra Act No. XXIII of 2001 is quashed and set

aside. Therefore, FIR No. 177/2025 registered with Sadar Police Station, Nagpur against the applicant is quashed and set aside subject to costs of Rs. 10,000/- to be paid by the applicant to the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No. 129712010001014 and IFSC Code UBIN0812978 and to produce the receipt thereof on record within two weeks.

13. The application stands disposed of.

JUDGE

wasnik