



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

Writ Petition No.7045/2025

Sunil Babarao Gawande, Aged 53 years, Occ-Service,
R/o. Besides Dr. Anil Lonare House, Ward No.3,
Nalwadi, Wardha 442001.

.... Petitioner.

Versus

- 1) District Caste Certificate Scrutiny Committee, Wardha,
Dr. Babasaheb Ambedkar social Justice Bhavan, Near Mahila Ashram,
Laxminagar, Sewagram Road, Railway Station Marg, Wardha
through its Chairman.
- 2) Chief Executive Officer, Zilla Parishad, Wardha.
- 3) Virendra @ Rana Baburao Rannaware,
Aged about 50 yrs, Occ.-Private,
R/o. Plot No.5, Manewada Road, Near Sathavane Complex,
Manewada Square, Ayodhya Nagar, Nagpur. Respondents.

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- Mr. S.R. Narnaware, Advocate for petitioner.
 - Mrs. D.I. Charlewar, AGP for resp. no.1.
 - Mr. N.M. Kolhe, Advocates for resp. no.2.
 - Mr. A.D. Dangore, Advocates for resp. no.3.
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CORAM : Smt. M.S. Jawalkar and Nandesh S. Deshpande, JJ.

Closed on : 21-04-2026.

Pronounced on : 05-05-2026.

Judgment (per : Nandesh S. Deshpande, J.)

Rule. Rule made returnable forthwith. Heard finally with
the consent of parties.

2. The present petition takes exception to the order of
invalidation passed by the Scrutiny Committee on 30-10-2025.

3. The facts, which can be stated in the petition, are as
under:

4. The petitioner belongs to Dhanwar (Nomadic Tribe-C)
Category and was accordingly issued a caste certificate by the

Executive Magistrate, Wardha on 30-08-1991. Thereafter, on the basis of the said caste certificate, the petitioner was appointed as a Gram Sewak on 15-04-1999 and subsequently was promoted as a Gram Vikas Adhikari through examination. On 02-08-2000, the Scrutiny Committee issued a Validity Certificate in his favour after following the procedure in that regard as provided under the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Act No. XXIII of 2001) (for short, the said Act'). Thereafter, after a lapse of about 23 years, respondent no.3 made a complaint on 16-10-2023 to the Scrutiny Committee on a ground that the said validity certificate obtained by the petitioner is an outcome of fraud and on the basis of false documents. Thereafter, the Block Development Officer submitted the enquiry report on 20-11-2023, thereby drawing a conclusion that the validity certificate dated 16-09-2000 issued by the competent authority is valid and correct in law.

5. On 24-01-2024, the District Caste Certificate Scrutiny Committee issued a letter to respondent no.2 clarifying the said settled position that the Scrutiny Committee has no power to review its own order. This led the respondent no.3 to file a writ petition

before this Court bearing Writ Petition No.2301/2025 for issuance of certain directions. This petition came to be decided by this Court vide order dated 29-04-2025. This Court disposed of the petition on a ground that the petitioner therein i.e respondent no.3 herein intends to approach the Committee with a representation based on the judgments of the Division Bench of this Court in that regard.

6. This prompted the petitioner herein to file a review before this Court. The review application was heard on 06.11.2025, wherein the present petitioner chose to withdraw the application. In this backdrop, on 06.11.2025, respondent no. 1 issued a show cause notice, referring to the order passed by this Court in Writ Petition No. 2301/2025 as well as the complaint made by Respondent No. 3 dated 09.06.2025. The parties were thereafter heard by the Scrutiny Committee, which also conducted an inquiry in accordance with the provisions of the Act mentioned hereinabove. Subsequently, by its order dated 30.10.2025, the Committee proceeded to invalidate the certificate issued in favour of the petitioner. This order is challenged in the present petition on various grounds amongst others.

7. We have heard Mr. S.R. Narnaware, learned Counsel for the petitioner, Mrs. D.I. Charlewar, learned AGP for respondent no.1 and Mr. N.M. Kolhe, learned Counsel for respondent no.2.

8. Learned Counsel for the petitioner by taking us through the order of the Scrutiny Committee submits that the Scrutiny Committee has committed a serious error in law in invalidating the validity certificate granted way back in the year 2000. He further submits that it is a settled position of law that the Scrutiny Committee cannot review its own order and revisit the validity certificate already granted. He further submits that the respondent no.3 had no locus to challenge the validity certificate issued in his favour. He, therefore, submits that the entire exercise is *de hors* the provisions of law. As far as the locus aspect is concerned, he relies on the judgment of the Hon'ble Apex Court in the matter of *Ayaaubkhan Noorkhan Pathan vs State of Maharashtra*, reported in (2013) 4 SCC 645 to buttress his submissions. Insofar as the lack of the power of the Scrutiny Committee to review its own order is concerned, learned Counsel for the petitioner relies upon the judgment of *Anil s/o Shivram Bandawar vs District Caste Certificate Verification Committee, Gadchiroli and another* (2021 (5) Mh.L.J. 345).

9. *Per contra*, learned Counsel for the respondent no.2 i.e the original complainant submits that he has all the locus to file the complaint against the petitioner since the validity certificate is obtained on the basis of fraudulent documents. He submits that as

can be seen from the order impugned in the petition, a case of fraud is clearly made out and therefore the Committee was correct in invalidating the certificate granted in favour of the petitioner. He further submits that Section 8 of the said Act and Rule 11 thereof contemplate the methodology and the documents required to be submitted for obtaining a validity certificate. It is, therefore, his submission that there is no embargo under the Act or the Rules on revisiting a validity certificate already granted, particularly where a case of fraud is made out. He further points out that the review application filed by the petitioner was withdrawn, and therefore, the petitioner cannot now turn around and contend that the Scrutiny Committee erred in invalidating his caste certificate.

10. Rival contentions fall for our consideration. Learned Counsel for the parties have filed their notes of arguments. We have perused the same.

11. As can be seen from the impugned order passed by the Scrutiny Committee on 30-10-2025, the Scrutiny Committee has based its invalidation merely on a fact that the caste of the petitioner as mentioned in the school record of Zilla Parishad Higher Secondary School, Sonegaon (Wai), Taluka Deoli, District Wardha, shows his caste as 'Kunbi', while the document in the college namely New Arts College, Wardha and more particularly the School Leaving

Certificate shows his caste a 'Dhanwar'. It is principally on the basis of these documents that the Scrutiny Committee has recorded a finding that fraud has been committed. We have perused the impugned order. On a meaningful reading of the impugned order, it does not reflect that a case of fraud has been made out. A mere sweeping observation that the validity certificate was obtained on the basis of false and incorrect documents would not suffice to establish a case of fraud so as to warrant interference with a validity certificate already granted

12. Fraud, as defined under Section 17 of the Indian Contract Act, 1872, means and includes any of the following acts committed by a party to a contract, or with his connivance, or by his agent, with intent to deceive another party thereto or his agent, or to induce him to enter into the contract :-

- (i) the suggestion, as a fact, of that which is not true, by one who does not believe it to be true,
- (ii) the active concealment of a fact by one having knowledge, or belief of the fact;
- (iii) a promise made without any intention of performing it,
- (iv) any other act fitted to deceive.
- (v) any such act or omission as the law specially declares to be fraudulent.

13. In the context of caste scrutiny proceedings, the Full Bench of this Court in *Arun s/o Vishwanath Sonone v. State of Maharashtra and others, 2015(1) ALL MR 799 (F.B.)*, has authoritatively held that for cancellation of a caste certificate under Section 7(1) of the Maharashtra Caste Certificate Act, 2000, the Scrutiny Committee must record two specific findings (1) that the person has obtained a false caste certificate, and (it) that such certificate was obtained fraudulently meaning, by means known to be fraudulent in law. The Full Bench further held in para 74, that "mere using the words false, fraudulent, misrepresentation, collusion, suppression, etc., in the order of the Scrutiny Committee shall not be a decisive factor unless there is relevant material available on record to substantiate such finding."

14. It therefore follows that, for making out a case of fraud, cogent and convincing material must be placed on record. In our view, this exercise has not been undertaken by the Scrutiny Committee, nor is it reflected in the impugned order.

15. We, therefore, find merit in the petitioner's contention that the Scrutiny Committee lacked jurisdiction to review its own order.

16. A further factor which weighs with us in entertaining the petitioner's claim is the long and substantial time lapse between

the issuance of the validity certificate and the complaint made by respondent no. 3 herein. Admittedly, the caste certificate was issued on 02-08-2000. The first complaint was made by respondent no.2 on 16-10-2023. There is no explanation for the said inordinate delay which prompted respondent no.3 to make such a complaint.

17. Furthermore, as far as locus is concerned, there is nothing in the complaint nor any material placed on record to show that how respondent no.3 is aggrieved and he has any locus to challenge the validity granted in favour of the petitioner.

18. If a case of fraud is established, no locus is required. However, as observed *supra*, even upon a meaningful reading and liberal interpretation of the Scrutiny Committee's order, no case of fraud is made out. It therefore follows that respondent no. 3 had no locus to challenge the validity certificate issued in favour of the petitioner. Thus, the petition deserves to be allowed and allowed as such.

ORDER

- (i) Writ petition is allowed.
- (ii) The impugned order dated 30-10-2025 passed by the Scrutiny Committee, Wardha, is hereby quashed and set aside
- (iii) It is further declared that the validity certificate dated 02-08-2000 issued by the said Committee is valid.

19. Rule is made absolute in above terms. No costs.

(Nandesh S. Deshpande, J.)

(Smt. M.S. Jawalkar J.)