



2026:AHC:55833

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10231 of 2026

Prem Pal Dhangar

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Rajesh Kumar  
Counsel for Respondent(s) : C.S.C.

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**Court No. - 36**

**HON'BLE ARUN KUMAR, J.**

1. Heard Mr. Rajesh Kumar Tiwari, learned counsel appearing on behalf of the petitioner and learned Standing Counsel appearing on behalf of the respondents.

2. The instant writ petition under Article 226 of the Constitution of India has been filed challenging the order dated 31.10.2025 passed by the District Level Caste Scrutiny Committee cancelling the caste certificate of the petitioner and the order dated 02.02.2026 passed by the Divisional Level Caste Scrutiny Committee.

3. One of the submissions advanced by learned counsel appearing on behalf of the petitioner is based upon the judgment of the Supreme Court in the case of **Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and others, AIR 1995 SC 94** and it is urged that the Supreme Court in that case had issued clear directions to the effect that such matters have to be mandatorily enquired into by the Vigilance Cell.

4. It is further contended by the learned counsel for the petitioner that the father of petitioner had been issued a caste certificate of Dhangar caste in scheduled caste category, however, the said fact has been ignored only on the ground that he could not produced the original caste certificate. It is only when the original caste certificate record, issued to petitioner's father, was summoned from the Tehsildar that a report was submitted that, original record relating to year 1981 was not available in his office.

5. Further reliance has been placed upon an interim order passed by the Division Bench of this Court dated July 7, 2022, in Writ C No. 3797 of 2022 (Mohd. Salman vs. State of UP through Principal Secretary Panchayati Raj Department and others) and it is urged that in the instant case, the orders impugned have been passed without following the mandate of law laid down by the Supreme Court in the case of Kumari Madhuri Patil (Supra).

6. Per contra, learned Standing Counsel submits that the orders impugned have been passed after conducting detailed analysis of material placed before the respondent nos.2 and 3 which do not require any interference. However, he could not dispute that no enquiry was conducted by the Vigilance Cell as directed by the Supreme Court in Kumari Madhuri Patil (Supra).

7. The Division Bench in the aforesaid interim order has discussed the law at some length and the following observations were made:-

"It is not in dispute; rather it is apparent from a perusal of the impugned decision dated 31.05.2022 that the petitioner had raised the issue before the District Level Caste Scrutiny Committee that such matter in terms of the judgment in the case of Kumari Madhuri Patil (supra) needs to be mandatorily enquired by the Vigilance Officer. The judgment of Hon'ble Supreme Court in the case of Kumari Madhuri Patil (supra) is to operate till appropriate Legislation on the subject is framed by the State. Till date, no such Legislation appears to have been enacted by the State of U.P. and as such the guidelines as contained in the judgment in the case of Kumari Madhuri Patil (supra) hold the field. Guidelines No. 5 and 6 in the case of Kumari Madhuri Patil (supra) as contained in Paragraph-13 of the judgment mandates creation of a Vigilance Cell consisting of Senior Deputy Superintendent of Police being over-all incharge and the said Cell manned by number of Police Inspectors is to investigate the social status claims. It also mandates that Inspectors of Vigilance Cell shall have to go to the local place of residence and original place from which the candidate hails and usually resides. It further directs that the Vigilance Cell shall conduct thorough enquiry which has relevant impact on the outcome of the decision to be taken by the District Level Caste Scrutiny

Committee.

However, the issue as to whether the District Level Caste Scrutiny Committee is under obligation to get the vigilance enquiry conducted stands referred for decision by a Full Bench by means of order dated 30.06.2022, passed by the Division Bench as noted above. Thus, till the Full Bench answers the question referred to it, in our considered opinion, it will be not possible for the appellate Committee i.e. the Divisional Level Caste Scrutiny Committee to deal with the issue of necessity of the enquiry by the Vigilance Cell. Accordingly, relegating the petitioner to avail the remedy of appeal before the Divisional Level Caste Scrutiny Committee, in our considered opinion, may cause prejudice to him."

8. Once the law declared by the Supreme Court in the case of Kumari Madhuri Patil (Supra) holds the field and in the instant case this Court satisfied that the matter was never referred to the Vigilance Cell, the orders impugned cannot be sustained. Respondent nos.2 and 3 have erred in ignoring the caste certificate issued to the father of the petitioner of Dhangar caste in scheduled caste category without getting proper enquiry done about its genuineness, merely relying on the report of Tehsildar.

9. Consequently, the writ petition succeeds and is allowed. The impugned orders dated 31.10.2025 and 02.02.2026 passed by respondent nos.2 and 3, respectively, are hereby quashed. The respondents are directed to follow the mandate of law laid down by the Supreme Court in Kumari Madhuri Patil (Supra) and refer the matter to the Vigilance Cell afresh and then pass appropriate order based on the report submitted by the Vigilance Cell.

**(Arun Kumar,J.)**

**March 18, 2026**

Ashok Kr.