

*ayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11653 OF 2023

Truptej Dhondiram Kamble …Petitioner

Versus

The State Of Maharashtra & Ors. …Respondents

WITH

WRIT PETITION NO. 425 OF 2021

Tejaswi Dhondiram Kamble …Petitioner

Versus

Competent Authority/Commissioner
Office Of Commissioner, State Cell & Anr. …Respondents

Mr. Anil V. Anturkar, Senior Counsel i/by Mr. Atharva Date for the Petitioner in WP/11653/2023.

Mr. Suhas Deokar a/w Mr. Tanmay Shembavanekar, Mr. Shravan Sul for the Petitioner in WP/425/2021.

Mr. P.P. Kakade Addl GP a/w Mr. P.G. Sawant, AGP for the State/Respondent.

SHARAYU PANDURANG KHOT

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Ms. Meghna Gowalani for the Respondent No. 3 – CET CELL in WP/11653/2023.

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CORAM : R.I. CHAGLA J
FIRDOSH P. POONIWALLA, J

Reserved on : 15 October 2026

Pronounced on : 22 October 2026

JUDGMENT : *(Per R.I. Chagla, J.)*

1. These Writ Petitions have been heard together as common issue arises in both Writ Petitions.

2. The 1st Writ Petition, viz. Writ Petition No. 11653 of 2023 has been filed by Truptej Dhondiram Kamble and the 2nd Writ Petition, viz. Writ Petition No. 425 of 2021 has been filed by Tejaswi Dhondiram Kamble, who is the sister of Truptej Dhondiram Kamble, the Petitioner in Writ Petition No. 11653 of 2023. Both the Petitions impugn the orders of the Respondent No. 2 - Scheduled Tribe Caste Scrutiny Committee (**"Scrutiny Committee"**).

3. For convenience, the facts in Writ Petition No. 11653 of 2023 are being adverted to.

4. The Petitioner had intended to secure admission in the

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First Year in MBBS course from the Scheduled Tribe category.

5. The Petitioner, prior to appearing for the NEET examination, had been pursuing his Higher Secondary Certificate (Science) at A.D. Joshi Junior College. The Principal of the said college, on 30th April 2021, vide a letter forwarded the proposals / application for grant of validity to the caste certificate of the Petitioner before the Respondent No. 2 – Scrutiny Committee.

6. The Petitioner had on 23rd May 2023 submitted his application online with Respondent No. 2 - Scrutiny Committee along with all documents which the Petitioner intended to rely upon.

7. The Petitioner appeared for the National Eligibility cum Entrance Test ("**NEET**") and secured 294 marks in the examination and secured All India Ranking at 434612 position and his Category Ranking at 13261 position. The NEET result was declared on 13th June 2023.

8. The Petitioner applied to various colleges in order to secure admission in the First Year for the MBBS course. The

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admission process had already commenced.

9. The Petitioner had on 19th July 2023, through his Advocate, filed an Application requesting the Respondent No. 2 - Scrutiny Committee to expeditiously hear and decide the Petitioner's Application claiming validity of his Caste Certificate.

10. The Vigilance Committee, on 27th July 2023, after carrying out due investigation based on the documents submitted by the Petitioner as well as the records inspected by them, submitted their detailed Report. The Respondent No. 2 – Scrutiny Committee issued Notice on 10th August 2023 to the Petitioner directing him to remain present before the committee on 17th August 2023 for the hearing of his Application.

11. The Petitioner on the stipulated date, viz. 17th August 2023, filed his detailed written notes of arguments / reply to the Notice dated 10th August 2023 and the Vigilance Cell Committee Report dated 27th July 2023.

12. The Petitioner submitted his genealogy and documents in

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support of his Tribe Claim, including the Birth Report of the Municipal Corporation, Pandharpur City, of the Petitioner's grandfather, namely Nagnath, son of Kondabai @ Kom Babaji Kamble wherein the birth entry was recorded as 3rd June 1937.

13. The Respondent No. 2 - Scrutiny Committee passed the impugned order dated 21st August 2023 rejecting the Petitioner's Application for grant of Caste Validity Certificate. Accordingly, the present Writ Petition has been filed.

14. Mr. Anturkar, the learned Senior Counsel appearing for the Petitioner, has submitted that the Respondent No. 2 - Scrutiny Committee has disregarded the only pre constitutional document, viz. the birth record of Municipal Corporation, Pandharpur City, of the Petitioner's grandfather, namely Nagnath, son of Kondabai @ Kom Babaji Kamble wherein the birth entry is recorded as 3rd June 1937 and caste entry shows “Mahadev Koli”. This is on the ground that the Vigilance report relied upon by the Scrutiny Committee showed an addition of the name Nagnath in different ink and on subsequent date viz. few days after the entry recorded on 3rd June 1937 i.e. 8th June 1937.

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15. Mr. Anturkar has placed reliance upon the judgment of the Supreme Court in **Sayanna Vs. State of Maharashtra & Ors.**[1], wherein the Supreme Court has held that in the Vigilance Report relied upon by the Scrutiny Committee, it is not sufficient to show an addition of a word while recording the caste of the Appellant as Mannerwarlu in the school register. The police inspector has not stated that the word “lu” was interpolated by the Appellant. The Supreme Court observed that there is every possibility that the word “lu” was not mentioned at the time of recording of the caste of the Appellant and on being pointed out the correct spelling of the caste, the word “lu” was added. Addition of the word “lu” subsequently would not lead to an irresistible conclusion that the said word was added by the Appellant or at his behest. Further, the Supreme Court noted that it was an admitted position that the Scrutiny Committee had never attempted to get an expert's opinion nor itself had compared the disputed letters with the admitted ones of the Appellant. Whether the alleged interpolation by addition has taken place can be stated by a handwriting expert or by comparison of admitted letters of a person with the disputed one. The Police Inspector had never taken care to find out whether the word “lu” was

1 **(2009)10 SCC 268**

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subsequently added by the school authorities or by the Appellant. It was necessary for the said officer to undertake such an exercise in view of the specific defence of the Appellant that the school record was lying with the school authorities and he had no opportunity, whatsoever, to tamper with the same.

16. Mr. Anturkar has also placed reliance upon the judgment of the Supreme Court in **Yogesh Madhav Makalwad Vs. State of Maharashtra & Ors.**[2]. The Supreme Court relied upon its earlier judgment in **Anand Vs. Committee for Scrutiny and Verification of Tribe Claims & Ors.**[3], wherein it was held that while dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. The Supreme Court noted the reliance placed by the Appellant on the School Admission and Leaving Extract in respect of his grandfather namely, Jalba Malba Makalwad, recorded on 10th October 1943, which indicated his caste as Koli Mahadev. In view of the Report of the handwriting expert

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2 **2025 SCC online SC 1679**

3 **(2012)1 SCC 113**

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being inconclusive as to whether there is interpolation or not, the learned Judges of the Supreme Court have themselves examined the said document with a magnifying glass. On perusal of the entry, it became clear to them that the words Koli Mahadev written in the entry are in the same ink and in the same handwriting. Therefore, the Supreme Court found that there could be no scope for interpolation in the said entry. They further noted that on the basis of this pre-Independence entry, the school records of the Appellant's father, Madhav Jalba Makalwad, and his uncle, Vyankat Jalba Makalwad, show the caste as Koli Mahadev.

17. Mr. Anturkar has also placed reliance on the order of the Division Bench of this Court in **Minakshi Manohar Gholap @ Mrs. Priyanka Suryakant Shrungare Vs. State of Maharashtra & Ors.**[4], wherein this Court had minutely perused the order of the Scrutiny Committee. There was reference to the document of the year 1934 in respect of Sadashiv only in the submission made on behalf of the Respondent No. 4. This Court was of the view that there was no consideration of the said document while recording the reasons for invalidating the claim of the Petitioner. This Court found the ground

4 **Writ Petition No. 2204 of 2014 order dated 28.01.2015**

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taken by the Scrutiny Committee, namely that there were many documents which could have disproved the case of the Petitioner, is no ground for not considering the important document which could have thrown much light on the controversy. It was held that there may be a dozen documents against a party, but a 13th relevant document could turn the table and if that document is not considered by an authority, the order would be bad in law. It is a well settled position of law that the non consideration of a material document would vitiate an order.

18. Mr. Anturkar has further placed reliance on the judgment of the Division Bench of this Court in **Shri. Santosh Ramling Kamble Vs. State of Maharashtra & Ors.**[5]. This Court in the said judgment has placed reliance upon the judgment of the Supreme Court in **Sayanna** (supra) in the context of the Scrutiny Committee having treated the school entry as suspicious on the ground that it appeared to have been written later in the same handwriting, but with different ink. It has been consistently held that without a proper expert opinion, the Scrutiny Committee is not a handwriting expert. The Petitioner, who had no role in the making of the old register, cannot be made to

5 **Writ Petition No. 2383 of 2026 judgment dated 23.07.2026**

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suffer on such a doubtful inference.

19. Mr. Anturkar has submitted that in view of the consistent view taken by the Supreme Court and this Court, that a mere doubt cast by the Scrutiny Committee on a document, particularly, a document which is a pre-Independence document, is insufficient for disregarding the document. In the present case, the Respondent No. 2 - Scrutiny Committee, in the impugned order, has disregarded the birth record of the Municipal Corporation, Pandharpur City, of the Petitioner's grandfather, namely Nagnath, son of Kondabai @ Kom Babaji Kamble, wherein the birth entry was recorded as 3rd June 1937, on the ground that the name of the Petitioner's grandfather Nagnath had been subsequently added. Further, the handwriting of the name was in a different ink from the earlier entry. He has submitted that subsequent addition of a name is after the naming ceremony, which is a very common practice in India, and that itself is not sufficient ground to disregard the document.

20. Mr. Anturkar has submitted that there is no case made out by the Respondent No. 2 - Scrutiny Committee to hold that the Petitioner had himself interpolated the said document. Further, there

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is no expert evidence relied upon by the Respondent No. 2 – Scrutiny Committee to draw such inference. He has further submitted that the view taken by the Respondent No. 2 – Scrutiny Committee in not considering the material document, which was the only pre-Independence document and which was required to be considered, viz. that there were other documents which have disputed the case of the Petitioner, is in the teeth of **Minakshi Manohar Gholap @ Mrs. Priyanka Suryakant Shrungare** (supra). He has accordingly, submitted that the present Petition be allowed.

21. Mr. Suhas Deokar, the learned Counsel for the Petitioner in Writ Petition No. 425 of 2021, has adopted the submissions of Mr. Anturkar. He has submitted that the impugned order is almost identical to the impugned order, which forms the subject matter of Writ Petition No. 11653 of 2023. He has accordingly sought for the Writ Petition to be allowed on similar terms.

22. Mr P.P. Kakade, the learned Addl. G.P., appearing for the Respondents Nos. 1 and 2 - State / Scrutiny Committee, has supported the impugned orders. He has submitted that from the original record which has been produced in Court, it is apparent that

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there were entries in the school record of the Petitioner's paternal blood relatives, which showed inconsistencies in their Tribal Claim. Further, there were certain entries where the word Mahadev had been added and other entries which showed Hindu Koli. He has submitted that on account of these inconsistencies, the Tribal Claim of the Petitioner has been invalidated.

23. Mr. Kakade has further submitted that the genealogy tree produced by the Petitioner also does not bear out the names of certain of his blood relatives, which he has relied upon. Although there is reference to the name of Petitioner's grandfather in the genealogy tree, the mother of the Petitioner's grandfather Kondabai has not been mentioned in the said genealogy tree.

24. Mr. Kakade has further submitted that in the pre-Independence document which the Petitioner has relied upon, there is interpolation in that the name of the Petitioner's grandfather, viz. Nagnath, has been subsequently added in a different ink, and this is borne out from the extract of the original birth record of the Municipal Corporation, Pandharpur City. He has accordingly submitted that this document cannot be accepted for allowing the

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Petitioner's Tribe Validity Claim.

25. Having considered the submissions, we find much merit in the submissions of Mr. Anturkar for the Petitioner in Writ Petition No. 11653 of 2023. The other Writ Petition viz. Writ Petition No. 425 of 2021 has been filed by the sister of the Petitioner in writ of Petition No. 11653 of 2023. The fate of the both the Petitioners would be the same.

26. It has been laid down by the Supreme Court in **Anand Vs. Committee for Scrutiny and Verification of Tribe Claims** (supra) that while dealing with the documentary evidence, greater reliance may be placed on pre-Independence documents, because they furnish a high degree of probative value to the declaration of status of a caste, as compared to post-Independence documents.

27. In the present case, there is a pre-Independence document, which the Petitioner had relied upon before the Scrutiny Committee, namely the birth record of the Petitioner's grandfather Nagnath, son of Kondabai Kom Babaji Kamble, wherein the birth entry was recorded as 3rd June 1937. A view has been taken by the

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Respondent No. 2 - Scrutiny Committee that the entry of the Petitioner's grandfather had been interpolated, as it was subsequently added and in a different ink from the earlier entry in the birth record.

28. It is pertinent to note that such view taken by the Respondent No. 2 – Scrutiny Committee is not backed by expert evidence. It has been held by the Supreme Court in **Sayanna** (supra) that the Vigilance Committee Report on which the Scrutiny Committee has placed reliance, is required to establish that the interpolation in the document is at the hands of the person, who is taking benefit of the entry in the document, namely the Appellant in that case and the Petitioner in the present case. It is insufficient for the Police Inspector to merely state that the word has been added, but it is for the Police Inspector to state that the word has been interpolated by the Appellant. Further, whether the interpolation by addition has taken place, can be stated by the handwriting expert or by comparison of admitted letters of a person with the disputed one. In that case, the Supreme Court had noted that it was an admitted position that the Scrutiny Committee never attempted to get an expert's opinion nor itself had compared the disputed letters with the admitted one of the Appellant. Accordingly, the addition of the word

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"lu" subsequently in that case, would not lead to an irresistible conclusion that the said word was added by the Appellant or at his behest. It is necessary for the officer to undertake such exercise of finding out whether the word "lu" was subsequently added by the school authorities or by the Appellant, in view of the specific defence of the Appellant that the school record was lying with the School Authorities and he had no opportunity, whatsoever, to tamper with the same.

29. The judgment of the Supreme Court in **Sayanna** (supra) is squarely applicable to the present case. Here also there has been no attempt made by the Scrutiny Committee to get an expert opinion to establish that the entry of the caste claim is in a different handwriting with the admitted handwriting of the Petitioner.

30. The Respondent No. 2 – Scrutiny Committee ought to have carried out the exercise of finding out whether the entry of the Petitioner's grandfather's name had been subsequently added by the Petitioner, particularly, in view of the birth record lying with the Municipal Corporation, Pandharpur City, and the defence taken by the Petitioner that he had no opportunity to tamper with the same.

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Accordingly, the disregarding of the pre-Independence document is, in our view, erroneous.

31. Further, it has been held by this Court in **Minakshi Manohar Gholap @ Mrs. Priyanka Suryakant Shrungare** (supra) that the ground taken by the Scrutiny Committee that there were many documents, which could have disproved the case of the Petitioner, would be no ground for not considering the important document which could have thrown much light on the controversy. In the present case, the non consideration of the only pre-Independence document, viz. the birth record of the Municipal Corporation Pandharpur City of the Petitioner's grandfather, by mere reference to other documents, would render the impugned orders bad in law. It is a well settled position of law that the non consideration of a material document would vitiate an order.

32. Accordingly, the Respondent No. 2 - Scrutiny Committee could not have based their conclusion on other entries in the documents produced by the Petitioner, which they opine 'suffer from interpolations' and reference has been made to the genealogy tree of the Petitioner, which does not contain certain of the blood relatives of

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the Petitioner, namely the Petitioner's grandfather's mother Kondabai @ kom Babaji Kamble, whilst overlooking the only pre-Independence document, which itself establishes the Petitioner's claim as belonging to Mahadev Koli Scheduled Community Tribe.

33. We, accordingly, find much merit in the present Petition. The Writ Petition is accordingly allowed and the following order is passed.

(i) The impugned orders dated 21st August 2023 and 27th November 2020 passed by the Respondent No. 2 - Scrutiny Committee in Writ Petition Nos. 11653 of 2023 and 425 of 2021 respectively are quashed and set aside.

(ii) We declare that both the Petitioners belong to “Mahadev Koli” Scheduled Tribe, and consequentially, Respondent No. 2 - Scrutiny Committee is directed to issue Caste Validity Certificates in favour of the Petitioners within a period of three weeks from the date of uploading of this order.

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(iii) Writ Petition No. 11653 of 2023 and Writ Petition No. 425 of 2021 are accordingly disposed of. There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.] [R.I. CHAGLA J.]

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