IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7647 OF 2026

SAINATH SANJAY BODKHE
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Date: 2026.07.22 21:17:12 +0530

Ranjana Yogesh Jadhav
Age 35, Occupation: Maid
(House help worker)
Kalpataru Jade Hills Road near
EL Homes Baner Pune ..Petitioner

Versus

1. Principal Secretary,
   School Education Department,
   The State of Maharashtra,
   Mantralaya, Mumbai.

2. The Deputy Director,
   Education, Pune Division,
   Pune.

3. The Education Officer (Primary),
   Zilla Parishad, Pune.

...Respondents

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Mr. Bhushan Raut, a/w Mr. Pritam Kulkarni, Mr. Vipul Patil, Mr. Shubhu Shirsath, for the Petitioner.

Smt. M S Srivastava, AGP for Respondent – State.

Mr. Suresh Punjaji Tayade, Principal Jijamata Vidyalaya, Sindkhed Raja, Dist. Buldhana.

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CORAM : N. J. JAMADAR, J.
RESERVED ON : 13th July 2026
PRONOUNCED ON : 22nd July 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith, and, with the consent of the learned Counsel for the parties, heard finally.

2. This petition under Article 227 of the Constitution of India, takes exception to an order dated 21st May, 2026, passed by the Deputy Director (Education), Pune, whereby Appeal No.68/2026 preferred by the petitioner against an order passed by the Education Officer (Primary), Zilla Parishad, Pune and the First Appellate Authority which had, in turn, affirmed the decision of the Taluka Level Scrutiny Committee rejecting the proposal of admission of the daughter of the petitioner in Aditya English Medium School, Pune, under the Right of Children to Free and Compulsory Education Act, 2009 ("RTE Act") on the ground that, the caste certificate was not valid, came to be dismissed.

3. The background facts leading to this petition can be stated, in brief, as under :-

3.1 The petitioner is a single parent. A daughter "Arohee" was born out of the wedlock of the petitioner and Yogesh Jagan Jadhav. The petitioner and late Yogesh Jadhav, both belong to a Nomadic Tribe (Dhangar). Yogesh Jadhav, the father of Arohee

passed away on 07th December, 2021. The petitioner has been shouldering the responsibility of rearing and upbringing Arohee. The petitioner works as a house help and earns her livelihood.

3.2 The petitioner applied for the admission of Arohee under the RTE quota. Arohee's admission was proposed in Aditya English Medium School, Pune. However, the Taluka Level Scrutiny Committee rejected the proposal on the ground that, the caste certificate was not valid. The Taluka Level Scrutiny Committee was of the view that, since the petitioner had not produced the father's caste certificate, although the caste certificate of the petitioner was produced, the admission under RTE quota cannot be approved.

3.3 Being aggrieved, the petitioner preferred an appeal before the Education Officer – the First Appellate Authority. By an order dated 30th April, 2026, the First Appellate Authority dismissed the appeal concurring with the view of the Scrutiny Committee that for want of production of the caste certificate of late Yogesh Jadhav, the father of the child, the latter was not entitled to be admitted in the School under the RTE quota.

3.4 The petitioner assailed the said order before the Deputy Director (Education), Pune. By the impugned order the Deputy

Director (Education), the Second Appellate Authority, dismissed the appeal and affirmed the order passed by the Education Officer.

4. Being further aggrieved, the petitioner has invoked the writ jurisdiction of this Court.

5. I have heard Mr. Bhushan Raut, the learned Counsel for the petitioner, and Smt. M. S. Srivastava, the learned AGP for the Respondents – State.

6. Mr. Bhushan Raut, the learned Counsel for the petitioner, strenuously submitted that, the first as well as the second Appellate Authority has taken a very hyper-technical view of the matter. Since late Yogesh Jadhav passed away before he could obtain a caste certificate, the failure to produce the caste certificate of late Yogesh Jadhav, in the circumstances of the case, could not have been a valid ground for the rejection of the proposal for admission. Banking upon the caste certificate of the petitioner, which indicates that, the petitioner is a member of Dhangar Caste recognized as a Nomadic Tribe (C), Mr. Raut submitted that, the refusal to take into account the caste certificate of the mother, especially when the father of the child has passed away, infringes upon the fundamental right of the

child to live a life of dignity untrammeled by patriarchal bias of the society.

7. Mr. Raut further submitted that, the fact that late Yogesh Jadhav also belonged to the Dhangar community was brought to the notice of the authorities by placing on record a copy of the School Leaving Certificate of late Yogesh Jadhav, which clearly records that, he was a member of the Dhangar caste. In the face of the aforesaid material, Mr. Raut would urge, the rejection of the proposal on the technical ground that the caste certificate of the father, could not be produced, was wholly arbitrary and impinged upon the fundamental right of the child to have free and compulsory education.

8. Mr. Raut placed reliance on a judgment of the Division Bench of this Court in the case of ***X.Y.Z. & anr. Vs. The State of Maharashtra & ors.***[1], wherein the Division Bench disapproved the pedantic and technical approach of instrumentalities of the State where the resultant action impinges upon the constitutional rights of the child.

9. Smt. Srivastava, the learned AGP for the Respondents – State submitted that, the Authorities have examined the

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1 WP/15528/2025

proposal in accordance with the norms and found the application deficient.

10. At the outset, it must be noted that, though apparently innocuous, the impugned orders have the propensity to deprive the petitioner of the constitutionally guaranteed equality and the child of her fundamental right to have free and compulsory education. A larger question as to whether, in a situation of the present nature, where the father of the child has passed away, the insistence on having the caste certificate of the father is in consonance with the constitutional scheme of equality, arises for consideration.

11. Few facts are rather indisputable. The father of the child has passed away on 07th December , 2021. Evidently, the petitioner is a single parent. The fact that the petitioner belongs to Dhangar Caste, which is a recognized Nomadic Tribe ©, is borne out by the caste certificate issued by the Competent Authority to the petitioner. Indisputably, the Authorities found 'Arohee' eligible for admission through the RTE quota and Aditya English Medium School was allotted to her. The Taluka Level Scrutiny Committee, however, rejected the proposal on the

ground that, the father's caste certificate was not placed on record though the mother's caste certificate was produced.

12. The legal position as regards the guardianship of a child, in a situation of the present nature, where a father is either no longer alive or on account of circumstances, is absent from the life of the child or disables himself from discharging his parental responsibilities, the mother is considered a natural guardian. A profitable reference in this context can be made to a judgment of the Supreme Court in the case of ***Ms. Githa Hariharan & anr. Vs. Reserve Bank of India & anr.[2].***

13. The insistence on the child being recognized, in all circumstances, solely by the caste of her father is not sustainable. It is not an immutable rule of law that, the child whatever the circumstances may be, must take the caste of her father. In a given set of circumstances, where the child suffers from the disadvantages and discriminations, which the mother of the child has suffered, the child may legitimately take the caste of her mother.

14. A useful reference, in this context, can be made to a judgment of the Supreme Court in the case of ***Rameshbhai***

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2 AIR 1999 SC 1149

Dabhai Naika Vs. State of Gujarat[3], wherein the Supreme Court enunciated that in an inter-caste marriage or a marriage between a tribal and a non-tribal, the determination of the caste of the offspring is essentially a question of fact to be decided on the basis of the evidence adduced in each case. The determination of the caste of a person born out of an inter-caste marriage or a marriage between a tribal and a non-tribal, cannot be determined in complete disregard of attending facts of the case. The following observations of the Supreme Court are instructive and, hence, extracted below :-

> "55. In an inter-caste marriage or a marriage between a tribal and a non-tribal there may be a *presumption* that the child has the caste of the father. This presumption may be stronger in the case where in the inter-caste marriage or a marriage between a tribal and a non-tribal the husband belongs to a forward caste. But by no means the presumption is conclusive or irrebuttable and it is open to the child of such marriage to lead evidence to show that he/she was brought up by the mother who belonged to the Scheduled Caste/Scheduled Tribe. By virtue of being the son of a forward caste father he did not have any advantageous start in life but on the contrary suffered the deprivations, indignities, humilities and handicaps like any other member of the community to which his/her mother belonged.

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3 (2012) 3 SCC 400

> Additionally, that he was always treated as a member of the community to which her mother belonged not only by that community but by the people outside the community as well."

15. A Division Bench of this Court in the case of ***Dr. Sonal Pratapsingh Vahanwala Vs. Deputy District Collector (Encroachment), Dharavi Division, Mumbai & ors.***[4], was confronted with the question as to what would be the caste of the child who is taken in adoption by a single mother, who belongs to a Scheduled Caste. After adverting to the aforesaid decision in the case of ***Rameshbhai Dabhai Naika (supra)***, the Division Bench enunciated that, the case of the petitioner was on a better footing than the cases of the children born to parents out of an inter-caste marriage or a marriage between a tribal and a non-tribal. In the case of such children, their caste would at least be known. However, where a child was adopted from the orphanage with the permission of the Court, the child would be entitled to take the caste of the mother.

16. In the case at hand, the Respondent Nos.1 and 2, in the considered view of this Court, have not examined the matter from the perspective of the fundamental right of the child to have free and compulsory education. The Authorities have

4 2022 SCC OnLine Bom 628

proceeded as if they were dealing with the routine administrative matter. A denial of the admission under the Right to Education Act quota merely on the ground that though the mother's caste certificate was produced, the caste certificate of the father who had passed away, could not be produced, manifests a very myopic and constricted view of the matter.

17. What exacerbates the situation is the fact that, the School Leaving Certificate of the father of the child was produced before the Authorities. The School Leaving Certificate clearly records that, late Yogesh Jadhav was a member of 'Dhangar' community. The petitioner; the mother of the child, also belongs to the said caste and possesses a caste certificate issued by the Competent Authority. The Authorities could not have, thus, lightly brushed aside these documents, especially when the father of the child has already passed away.

18. To satisfy the conscience of this Court, the learned AGP was directed to get the authenticity of the School Leaving Certificate of late Yogesh Jadhav, the father of the child, verified from Jijamata Secondary and Higher Secondary School, Sindkhed Raja, Dist. Buldhana. The Headmaster of Jijamata Secondary and Higher Secondary School, Sindkhed Raja, Dist.

Buldhana, has submitted a report to the effect that late Yogesh Jadhav, the father of the child was a student of the said School and the School Leaving Certificate was issued by the then Headmaster on the basis of the register maintained by the said School.

19. In the aforesaid view of the matter, the Authorities were clearly in error in rejecting the proposal for the admission of Arohee in Aditya English Medium School under RTE quota by mechanically insisting for the caste certificate of the father of the child. The constitutional guarantee of free and compulsory education to children, and the substantive equality could not have been sacrificed at the alter of procedural rigidity of production of caste certificate of the father of the child.

20. In the considered view of this Court, in the peculiar circumstances of the case, the Authorities ought to have granted admission to Arohee under RTE quota on the basis of the caste certificate of the mother of the child, without insisting for the production of the documents of the father of the child, construing the petitioner to be the sole parent of the child. In any event, the School Leaving Certificate of the father of the child lent requisite assurance regarding the caste of the father of

the child and, resultantly, that of the child. Thus, the petition deserves to be allowed.

21. Hence, the following order :-

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i) The Writ Petition stands allowed.

ii) The impugned order dated 21st May 2026 as well as the order dated 30th April 2026 passed by the Education Officer (R3) stand quashed and set aside.

iii) The respondents are directed to immediately grant admission to the petitioner's daughter - Arohee Yogesh Jadhav without insisting for the production of caste certificate of Arohee father. In any event, the admission be granted to Arohee Yogesh Jadhav on or before 31st July 2026.

iv) Rule made absolute in the aforesaid terms.

v) All concerned to act on an authenticated copy of this judgment.

[N. J. JAMADAR, J.]