

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10954 OF 2026

Nupur Prashant Surve

.. Petitioner

Versus

The State of Maharashtra & Anr.

.. Respondents

MANSI
DHANANJAY
SHELKE

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Adv. R. K. Mendadkar a/w Adv. Priyanka Shah, Adv. Siddhant S., Adv. Jagdish Kawale for the Petitioner.

Ms. Savina R. AGP for State.

**CORAM: R.I CHAGLA &
FIRDOSH P. POONIWALLA, JJ.**
DATE: AUGUST 31, 2026

P. C.

1. Rule. Rule made returnable forthwith and heard by consent of parties.

2. By this Petition, the Petitioner seeks quashing and setting aside of the impugned Order dated 30th June, 2026 passed by Respondent No.2 Scrutiny Committee, by which the Petitioner's claim of validity of her caste certificate has been rejected.

3. The Petitioner has placed reliance upon the proceedings in respect of her father before Respondent No.2 Scrutiny Committee, which had, after calling for Vigilance Cell Enquiry Report, granted the Caste Validity Certificate vide its Order dated 22nd March, 2022, in respect of the Petitioner's father.

4. The Petitioner had applied for verification of Caste/Tribe Certificate as belonging to Thakur Schedule Tribe on 12th December, 2024. The Petitioner placed reliance upon the Validity Certificate granted to the Petitioner's father vide Order dated 22nd March, 2022 passed by Respondent No.2 Scrutiny Committee.

5. The Respondent No.2 Scrutiny Committee had called for Vigilance Cell Committee Report and which Report was filed on 16th June, 2025, which was the same as the Vigilance Cell Committee Report in case of the Petitioner's father.

6. The Petitioner had placed reliance upon the oldest documentary evidence of the year 1924 and the year 1945 viz, the pre-Constitutional documents. Further, reliance was placed on the reasoned order of

Respondent No.2 Scrutiny Committee validating the tribe claim of the Petitioner's father.

7. The Respondent No.2 Committee, despite of the aforesaid, had passed the impugned Order dated 30th June, 2026 invalidating the Petitioner's tribe claim on the ground that the tribe claim of the Petitioner's father and validity obtained in respect thereof was on alleged ground of fraud.

8. Mr. Mendadkar, the learned counsel appearing for the Petitioner, states that the Respondent No.2 Scrutiny Committee, having granted a Tribe Validity Certificate to the Petitioner's father, could not have passed the impugned Order rejecting the tribe claim of the Petitioner by placing reliance upon the Vigilance Cell Committee Report which had formed the basis of the Order passed by Respondent No. 2 Scrutiny Committee validating the Tribe Claim Certificate of the Petitioner's father. Mr. Mendadkar submitted that this matter is covered by a decision of this Court dated 27th August, 2026 in ***Rushank Sitaram Kataskar Vs. State of Maharashtra & Anr. in Writ Petition No. 10712 of 2026.***

9. This Court, in the said decision, had considered a similar case where the Petitioner had placed reliance upon Caste Validity Certificates issued to the Petitioner's paternal blood relatives, and where a stand has been taken by Respondent No.2 Scrutiny Committee to oppose the Petition on the ground that a vigilance cell enquiry had not been conducted in the respect of Petitioner's paternal blood relatives at the time of issuance of their Caste Validity Certificates.

10. Mr. Mendadkar submitted that in the above decision also, as in the present case, the Respondent No.2 Scrutiny Committee had placed reliance upon Show Cause Notices which had been issued to the Petitioner's blood relatives alleging fraud in obtaining their Caste Validity Certificates, which have been validated by the Scrutiny Committee. This Court had considered the decision of the Supreme Court in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra (2023) 16 SCC 415*** and the Division Bench of this Court in ***Shweta Balaji Isankar Vs. The State of Maharashtra 2018 SSC Online Bom 10363***, which, in turn, placed reliance upon the Judgement passed by this Court in ***Smt. Shilpa Jay Wagh Vs. State of Maharashtra and Ors. in Writ Petition No. 18841 of 2024*** dated 17th February, 2026 and had held that where the Petitioner's paternal blood relatives had been granted Caste Validity Certificates, and the Petitioner's

caste validity claim is being opposed on the ground of Show Cause Notices alleging fraud having been issued to the Petitioner's paternal blood relatives, this would not suffice to refuse to grant a Validity Certificate to the Petitioner. The Writ Petition had been allowed by this Court with the caveat that, if the validity holders on which the Petitioners before this Court have relied upon for claiming validity, suffer invalidation in the reopened cases, Respondent No.2 Scrutiny Committee would be at liberty to reopen the Petitioners' case as well, and the consequences suffered by those candidates whose claims are invalidated (after reopening of the case) would apply to the Petitioner as well. Mr. Mendadkar has accordingly sought for a similar Order to be passed in the present case.

11. Having considered the submissions, including the response of Respondent Nos. 1 and 2 Scrutiny Committee, we consider it fit to pass a similar order as passed in the aforesaid case of ***Rushank Sitaram Kataskar (supra)***. In the present case as well, the Petitioner has relied upon the Tribe/Caste Validity Certificate having been issued by Respondent No.2 Scrutiny Committee in case of Petitioner's father. It appears from the record that Respondent No.2 Scrutiny Committee has placed reliance upon certain documents which they allege are fabricated by the Petitioners' father to obtain the Tribe Validity Certificate. A Show Cause Notice has been issued in

that context after the passing of the order granting the Tribe Validity Certificate to the Petitioner's father, wherein allegations of fraud have been made.

12. This Court, in the aforesaid decision has considered similar opposition by the Scrutiny Committee and by placing reliance upon the aforesaid decisions in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)*, *Smt. Shilpa Jay Wagh (supra)* and the *Shweta Balaji Isankar (supra)*, which relies upon *Smt. Shilpa Jay Wagh (supra)*, has held that since Caste Validity Certificates had been issued to the Petitioner's blood relatives, reliance on Show Cause Notices issued to the Petitioner's blood relatives alleging fraud would not suffice to refuse to grant Validity Certificate to the Petitioner.

13. We, accordingly, allow the present Petition and set aside the impugned Order dated 30th June, 2026 passed by Respondent No.2 Scrutiny Committee.

14. We direct the Respondent No.2 Scrutiny Committee to issue the Tribe Validity Certificate in respect of Thakur Schedule Tribe to the Petitioner within a period of one week from the date of this Order.

15. If any of the validity holders on whom the Petitioner before this Court has relied upon for claiming validity, suffer invalidation in the reopened cases, the Respondent No.2 Scrutiny Committee would be at liberty to reopen the Petitioner's case as well, and consequences suffered by those candidates whose claims are invalidated (after reopening of the case) would also apply to the Petitioner as well.

16. The Writ Petition is disposed of in the above terms. There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

[R. I. CHAGLA, J.]