

2025 LiveLaw (SC) 853

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

J.B. PARDIWALA; J., K.V. VISWANATHAN; J.

CIVIL APPEAL NO.11196 OF 2025 (@ SLP(C) NO.25192/2023) 25th August, 2025

CHAITANYA *versus* THE STATE OF MAHARASHTRA & ORS.

Caste Certificate - Caste Certificate was issued while she was a minor - based on this certificate, she was admitted to the MBBS course on July 24, 2016, and completed her degree in 2021 - On July 7, 2022, Verification Committee declared that she did not belong to the Scheduled Tribe (ST) – Held, despite the fraud committed by her father, due to which a meritorious student would have her entire career ruined if the appeal was dismissed - While equity should follow the law, it found it appropriate to grant the appellant an opportunity to protect her career - Father was more responsible for creating this imbroglio due to his suppression of material facts - Regularized the appellant's MBBS admission, but held that she could not claim the status of 'Mannervarlu' ST in future - Degree certificate was to be considered final - Expressed concern that an eligible, meritorious candidate from ST category lost an opportunity due to appellant's admission - Supreme Court in order to compensate ordered the appellant's father to deposit Rs. 5 lakhs to the national Defence Fund within 2 months - If the Scrutiny Committee had verified the caste certificate earlier, the situation might not have occurred - Appeal was partly allowed. [Paras 20 - 33]

[Arising out of impugned final judgment and order dated 24-07-2023 in WP No. 8531/2022 passed by the High Court of Judicature at Bombay at Aurangabad]

For Petitioner(s): Mr. Sudhanshu S Choudhari, Sr. Adv. Mr. R K Mendarkar, Adv. Mr. Vatsalya Vigya, AOR Ms. Gautami Yadav, Adv. Ms. Pranjal Chapalgaonkar, Adv. Mr. Yash Singhania, Adv. Mr. Pradeep Kumar Tripathi, Adv.

For Respondent(s) :Mr. Abhikalp Pratap Singh, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Shrirang B. Varma, Adv. Ms. Aagam Kaur, Adv. Mr. Kartikey, Adv. Ms. Gayatri Agarwal, Adv. Ms. Shubhangi Agarwal, Adv. Mr. Utkarsh Kumar, Adv. Mr. Gaurav Agrawal, Sr. Adv. Mr. C. George Thomas, AOR Mr. Mahesh Prakash Shinde, Adv. Mr. Ashok Kumar Gupta li, AOR Mr. Giridhar Gopal Bhansali, Adv. Mr. Amol B. Karande, AOR Mr. Narendar Rao Thaneer, Adv. Ms. Drishti Narbar, Adv. Mr. Rajiv Agnihotri, Adv. Ms. Divya Dokka, Adv.

ORDER

1. Leave granted.
2. This appeal arises from the judgment and order passed by the High Court of Judicature at Bombay, Bench at Aurangabad dated 24.7.2023 in Writ Petition No. 8531 of 2022 by which the writ petition filed by the appellant herein came to be dismissed, thereby affirming the order dated 07.07.2022 passed by the Scheduled Tribe Caste Certification Verification Committee, Kinwar through its Deputy Director at Aurangabad holding that the appellant is not a member of a Scheduled Tribe.
3. The facts of this case are quite gross but we need to balance the equities in the wake of few mitigating circumstances which have come on record.
4. The appellant was born on 07.08.1998. On 01.07.2009, while she was still a minor, a caste certificate came to be issued in her favor certifying her to be belonging to the "Mannervarlu" Scheduled Tribe listed at Sl. no. 27 of the Presidential Order, 1976.

5. As the appellant was desirous of pursuing MBBS Course, she approached the Scrutiny Committee for verification of her caste certificate through her father on 30.07.2015.

6. Unfortunately, the Scrutiny Committee was unable to undertake the necessary enquiry expeditiously as regards the claim of the appellant of being falling within Scheduled Tribe.

7. The appellant came to be admitted to the MBBS Course on 24.07.2016 on the basis of her caste certificate.

8. She successfully completed her MBBS in the year 2021.

9. The materials on record would indicate that all throughout she performed well in the MBBS Course. We should also take notice of the fact that her performance in standard 12th examination was also very good.

10. After she completed her final year MBBS Course on 05.05.2021, she took up doing internship.

11. In the meantime, the Verification Committee passed an order dated 07.07.2022 saying that she does not belong to the "Mannervarlu" falling within Scheduled Tribe.

12. By the time the Scrutiny Committee passed the order, she had cleared her MBBS and had also secured admission in the PG Course but in the general category.

13. Today she is in the second year of the PG course.

14. As the Scrutiny Committee declared her to be not falling within the Scheduled Tribe, the appellant questioned the order by filing writ petition before the High Court.

15. The High Court adjudicated the writ petition and ultimately dismissed the same holding as under: -

"6. We have heard learned advocates for the respective parties and perused the relevant record with their able assistance. The original record in respect of the validity certificates granted in favour of the relatives of the petitioner are also produced before this court. What we noticed from record is that, school record of the father of the petitioner was subsequently corrected to insert his caste as 'Mannervarlu'. Similar modus appears in respect of many other blood relatives. Pertinently, father of the petitioner Mr Sanjay Palekar had submitted his Tribe validity claim before the committee at Pune in the year 1989 and same was invalidated vide order of committee dated 13.04.1989. The appeal preferred by him before the Additional commissioner, Nashik as per the relevant provisions was dismissed on 19.06.1991 thereby confirming the order of invalidation of the claim. Similarly, petitioner's uncle – Rajiv Palekar had suffered invalidation of his Tribe claim under order dated 26.04.1989 of the committee. The appeal filed against said order was also dismissed on 20.06.1991. The orders passed by the then committee as well as appellate authority have attained finality.

7. It is abundantly clear that the affidavit was tendered by petitioner before the committee stating that there was no invalidity in the family. Pertinently, the father and uncle of the petitioner, who had suffered invalidation of the caste claim, again made false claims for issuance of caste certificate suppressing the earlier rejection and succeeded in obtaining validity certificates. Apparently, father of the petitioner had resorted to fraud while obtaining the validity certificate dated 05.03.2007, He did not hesitate to file false affidavit before committee at Aurangabad in support of his subsequent claim as well as in the case of the petitioner. In our considered view, subsequent validation of the Tribe claim of the father and uncle of the petitioner cannot enure to her benefit.

8. The petitioner has been relying upon the validities granted in favour of the other relatives. We observe that invalidation of the claim of the father and uncle of the petitioner in the year 1989

and dismissal of their appeals in the year 1991 was suppressed from the committee in all those proceedings. Validity of Tribe claim of petitioner's father is vitiated by fraud consequently validations of distant relatives would not benefit the petitioner.

9. At this stage, reference can be made to the judgment of the Supreme Court of India in the matter of "Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar and others" (2008) 9 SCC 54. Para. Nos. 27, 28 and 30 in the said judgment read thus: -

"We do not mean to suggest that an opinion formed by the Committee as regards the caste of the near relative of the applicant would be wholly irrelevant, but, at the same time, it must be pointed out that only because, by mistake or otherwise, a member of his family had been declared to be belonging to a member of the Scheduled Tribe, the same by itself would not be conclusive in nature so as to bind another committee while examining the case of other members of the family in some detail. If it is found that in granting a certificate in favour of a member of a family, vital evidence had been ignored, it would be open to the Committee to arrive at a different finding.

28. We reiterate that to fulfil the constitutional norms, a person must belong a tribe before he can stake his claim to be a member of a notified Scheduled Tribe. When an advantage is obtained by a person in violation of the constitutional scheme, a constitutional fraud is committed.

30. The principle of res-judicata is undoubtedly a salutary principle. Even a wrong decision would attract the principle of res-judicata. The said principle, however, amongst others, has some exceptions e.g. when a judgment is passed without jurisdiction, when the matter involves a pure question of law or when the judgment has been obtained by committing fraud on the court."

Applying above legal preposition to the facts of this case, it leaves no room to contend that validation of Tribe claims of the distant relatives of the petitioner, without noticing the earlier invalidation of the claim of the father and uncle and obtained by relying upon their subsequent validation which stands vitiated due to fraud can be used beneficially for validation of her tribe claim. It is a matter of record that committee after noticing fraud played by father of petitioner issued him show cause notice dated 08.11.2019 and a detailed notice dated 11.07.2022 as to why his Tribe Validation shall not be cancelled being vitiated by fraud.

10. Mr. Vibhute would urge that the Committee has no power to review its own decision. Therefore, the validity certificates issued in favour of the father and uncle of the petitioner as well as other relatives are subsisting as on date hence the claim of the petitioner could not have been negated. He relies upon the observations of this Court in W.P. No. 5364 of 2023 between Rajesh Umbarje and others Vs. State of Maharashtra and others dated 3.5.2023 to contend that the Committee is not invested with the powers of review and even if the Committee issues notices to the caste validity holders, it cannot cancel the certificates. Mr. Vibhute further submits that in present matter committee may be directed to re-consider the claim of the petitioner along with the cases of her father and uncle which are sought to be re-opened for fresh decision. He placed reliance on the order in the matter of Hrushikesh Garud Vs. State of Maharashtra (2022) 1 SCC 207. Mr. Vibhute would further urge that in the similar circumstances, this court directed the Scrutiny Committed to issue validity certificate subject to decision in the proceeding re-opened in respect of validity holders relied by the petitioner. He placed his reliance on the order passed by this court in W.P. No. 8432 of 2020 in the matter Aishwarya Modibayni Vs. State of Maharashtra.

11. Although, petitioner relies on the various judgments passed by this Court where directions are given to issue validity certificates subject to final outcome of the inquiry in the re-opened caste validity certificates of the relatives, in the facts of the present case, we are not inclined to pass such order, since we are of the considered view that the present case is a glaring example of patent fraud on constitution. The affidavits. tendered by the petitioner and her father stating that none from their family member had suffered invalidation of the tribe claim, clearly shows their dishonest intention. The petitioner cannot draw premium over the fraud practiced by her father and other blood relatives when the validity certificates relied by her are under cloud of doubts and obtained fraudulently and hence, the committee is justified in rejecting claim of the petitioner.

12. *So far as the issue as to whether the Committee has power to review its own decisions is concerned, true it is that division Bench of this Court in the matter of Rakesh Umbarje (Supra) has taken a view that the Committee has no powers to review its own decision. In the present case we are not dealing with that issue, but are concerned with the case of obvious fraud. What we notice in this case is that petitioner's tribe for 'Mannervarlu' Scheduled Tribe is based on validity issued to her father and uncle in the year 2007. The Committee has rightly observed that the fact of earlier invalidation of Tribe claim suffered by the father and uncle of the petitioner in the year 1989 which was confirmed by the appellate authority in the year 1991, was suppressed by them while obtaining subsequent validity certificate from a different committee. In that view of the matter without waiting for the fate of the proceeding after re-opening of the caste validity of the father of the petitioner, we are inclined to reject the petition and confirm the impugned order as in facts of this case impeccable material is available to depict apparent fraud. 13. In the result, writ petition fails and is dismissed."*

16. In such circumstances, referred to above, the appellant is here before this Court with the present appeal.

17. We heard Mr. Sudhanshu S. Choudhari, the learned senior counsel appearing for the appellant, Mr. Abhikalp Pratap Singh, the learned counsel appearing for the State of Maharashtra and Mr. C. George Thomas, the learned counsel appearing for the University.

18. At the outset, we may say that the High Court committed no error, much less any error of law, in passing the impugned judgment and order. In fact, the High Court has rightly come down very heavily on the father of the appellant.

19. The High Court also very correctly took notice of the fact that the earlier invalidation of the tribe claim suffered by the father and uncle of the appellant herein respectively in the year 1989 came to be affirmed by the appellate authority in the year 1991 and this fact was suppressed while obtaining a validity certificate for the appellant from a different committee.

20. The matter presents before us a precarious situation. Here is a case where the appellant a meritorious student otherwise, has completed her MBBS course and is now pursuing her PG Course. If we dismiss this appeal, that will be the end of her entire career.

21. We are conscious of the fact that equity should follow the law. However, in the peculiar facts and circumstances of this case, we thought fit to grant one opportunity to the appellant keeping only one thing in mind, i.e., her career and her life. One and all are responsible for this and we hold the father of the appellant more responsible for creating this imbroglio.

22. The suppression of material facts, at the end of the father, ultimately put his own daughter in difficulty.

23. At this stage, we must look into the order passed by this Court dated 28.11.2023, the same reads thus: -

"Heard the learned counsel appearing for the petitioner.

Reliance was placed by the petitioner on the Caste Validity Certificates granted to her father (Sanjay Vithalrao Palekar) and her uncle (Rajiv Vithalrao Palekar). In both the cases, Caste Validity Certificate was refused in the earlier proceedings.

Prima facie, it appears to us after perusing the orders passed in their favour of grant of Caste Validity Certificates that the fact of rejection of earlier applications was suppressed by the petitioner's father and uncle. The petitioner's father (Sanjay Vithalrao palekar) has filed an undertaking on oath dated 23rd November, 2023 giving up his claim that he belongs to Mannervarlu, Scheduled Tribe. The undertaking is taken on record.

As the observations which may be made by this Court may affect the father and uncle of the petitioner, we direct the petitioner to implead both father and uncle as respondent Nos. 5 and 6 respectively.

The learned Advocate-on-Record for the petitioner accepts notice issued to the father of the petitioner.

Issue notice to the respondent No.6 returnable on 29th January, 2024.

We direct the petitioner to place on record the documents which are tendered across the Bar along with an application.

In view of the undertaking given by the petitioner's father (fifth respondent), the Caste Validity Certificate granted to him by the Caste Scrutiny Committee on 31st January, 2007 is hereby cancelled.

Even the petitioner has made a statement that she will not claim any benefit of the said Caste.

It is pointed out across the Bar that the petitioner has completed MBBS Degree Course and has also completed her internship.

We, therefore, direct that pending this petition, it will be open for the University to issue a Degree Certificate to the petitioner in accordance with law."

24. In pursuance of the order, referred to above, the father of the appellant has filed an undertaking before this Court, which reads *thus*: -

"UNDERTAKING

I, Sanjiv Vithalrao Palekar, Son of Vithalrao Palekar, aged 53 years, residing at Lecturer Colony, Vasant Nagar, Nanded, Tal and District Nanded do hereby state on solemn affirmation as under:

I say that I have perused the order dated 20/11/2023 passed by the Hon'ble Supreme Court in the abovesaid SLP filed by my daughter Kum. Chaitanya and state in unequivocal terms that henceforth, I shall not claim any benefits as belonging to Mannervarlu, Scheduled Tribe based upon certificate of validity issued to me by the competent caste scrutiny committee. I thus, give up my claim as belonging to Mannevarlu, scheduled tribe.

In so far as grant of validity certificate to my real elder brother namely Shri Rajiv Palekar is concerned I say that I made fervent request to execute similar Undertaking so as to present the same before this Hon'ble Court. However, because of long-drawn inter-se family dispute, he is not cooperating in any manner with my family.

In these circumstances, I pray this Hon'ble Court with folded hands to protect Degree of MBBS which has been completed by my daughter Kum. Chaitanya in the year 2021."

25. As noted above, the appellant has secured admission in the PG course in the general category. Her academic career appears to be quite good.

26. Having regard to the fact that the father has filed an undertaking that his daughter will never seek any benefit on the ground that she belongs to Scheduled Tribe and the father has also given an undertaking that no one in the family would seek any benefit of being members of the Scheduled Tribe, we regularise her admission in the MBBS Course.

27. By order dated 28.11.2023, the University was also directed to issue a Degree Certificate to the appellant herein. The Degree Certificate issued shall be final.

28. With all that we have observed as aforesaid, one thought is still haunting our mind, and i.e., that one eligible meritorious candidate from the Scheduled Tribe category lost the opportunity to pursue the MBBS course.

29. For the aforesaid, the father of the appellant must compensate in terms of money.

30. We direct the father of the appellant to deposit an amount of Rs.5,00,000/- (Rupees Five lakh only) with the National Defence Fund within a period of two months from today.
31. Post this matter once again, after two months to report compliance of our directions to deposit the amount of Rs.5,00,000/- (Rupees Five lakh only).
32. Had the Committee undertaken the necessary verification expeditiously and would have declared that the appellant does not fall within the Scheduled Tribe then probably nothing further would have occurred in the matter.
33. In view of the aforesaid, we partly allow the appeal in the terms indicated hereinabove. Our present order, needless to say, will supersede the High Court Order. The net result is the appellant will not claim the status of “Mannervarlu” Scheduled Tribe ever in future. However, only her MBBS admission is regularised. On all other aspects, the High Court judgment is confirmed.
34. Pending application(s), if any, stands disposed of.

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