



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4178 OF 2007

**Shri Murlidhar Kisan Mohol** )  
age 33 years., Occ. Agriculture/business )  
R/o. 123, Ram Baug Colony, )  
Ram Kripa Apartment, Paud Road, )  
Kothrud, Pune – 411 038. ) **...Petitioner**

**Vs.**

**1. The State of Maharashtra** )  
**2. The Caste Certificate Scrutiny Committee** )  
Office of Divisional Social Welfare Officer, Pune)  
**3. Nandakumar Gangadhar Gosavi** )  
Age adult, Occ. Business )  
R/o. Mahananda Society, Flat No. 10, )  
Plot No.22, Ram Baug Colony, )  
Kothrud, Pune – 38. ) **...Respondents**

**AND**

WRIT PETITION NO. 4180 OF 2007

**Shri Ankush Dagadu Tidke** )  
age 56 yrs., Occ. Business )  
R/o. Shivneri Bungalow, Shikshak Nagar, )  
Paud Road, Kothrud, Pune – 411 038. ) **...Petitioner**

**Vs.**

**1. The State of Maharashtra** )  
**2. The Caste Certificate Scrutiny Committee** )  
Office of Divisional Social Welfare Officer, Pune)  
**3. Bibhishan Madan Munde** )  
Age adult, Occ. Business )  
R/o. 7/1/A+B, Thorat Colony, )  
Karve Nagar, Pune – 52. )  
**4. Nitin Dattaram Chavan** )  
Age adult, Occ. Business )

R/o. Runwal Meadows, Bldg. No.7, Flat No.4, )  
Warje, Pune – 52. )

**5. Dattatraya Uttareshwar Jadhwar** )  
Age adult, Occ. Business )  
R/o. Indira Shankar Nagari, Bldg. V-18, )  
Flat No. 17, Paud Road, Kothrud, )  
Pune – 38. )

...Respondents

**AND**  
**WRIT PETITION NO. 4181 OF 2007**

**Shri Pruthviraj Shashikant Sutar** )  
age 33 yrs., Occ. Agriculture/business, )  
R/o. Shivtirth, Shivtirth Nagar, Paud Road, )  
Kothrud, Pune – 411 038. )

...Petitioner

**Vs.**

**1. The State of Maharashtra** )

**2. The Caste Certificate Scrutiny Committee** )  
Office of Divisional Social Welfare Officer, Pune)

**3. Bajirao Sakharam Masal** )  
Age adult, Occ.: Business, )  
R/o. Shantidham Kunj Society, D-4, Flat No.31 )  
Bhelke Nagar, Kothrud, Pune – 38. )

**4. Shri Rahul Dattatray Magar** )  
Age adult, Occ.: Service, )  
R/o. Plot No. 57/1, Kaushal, Gujrat Colony, )  
Kothrud, Pune – 38. )

...Respondents

**WITH**  
**WRIT PETITION NO. 2662 OF 2007**

**Vishnu Narayan Harihar** )  
Aged about 45 years, residing at 231, )  
Mahatma Phule Peth, Dist. Pune )

...Petitioner

**Vs.**

**1. State of Maharashtra** )

**2. Regional Caste Scrutiny Committee** )

through its Member Secretary, Pune Division, )  
Pune having its office at PMT Building, )  
Behind Janaki Hall, Swargate, Pune-411 037. )

...Respondents

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Mr. P. B. Shah with Mr. Avinash Avhad, Mr. Kayval Shah and Mr. Sandeep Patade for the Petitioners in W.P. No. 4178 of 2007, W.P. No. 4180 of 2007 and W.P. No.4181 of 2007.

None for the Petitioner in W.P. No. 2662 of 2007.

Ms. P. J. Gavhane, AGP for State in W.P. No. 4178 of 2007.

Mr. A. A. Alaspurkar, AGP for State in W.P. No. 4180 of 2007.

Mr. P. P. Kakade, Addl. G.P. with Ms. M. P. Thakur, AGP for State in W.P. No.4181 of 2007.

Ms. Savita Prabhune, AGP for State in W.P. No. 2662 of 2007.

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CORAM: G. S. KULKARNI &  
AARTI SATHE, JJ.

DATE: 18 JUNE 2026.

**Oral Judgment (Per G. S. Kulkarni):-**

1. These are four petitions in which the prayers are similar, and the impugned order is a common order.

2. The petitions (except Writ Petition No. 2662 of 2007) impugn the order dated 22 May 2007 passed by the Caste Scrutiny Committee, Pune, whereby the Caste Scrutiny Committee, on applications made by the private respondents, purportedly exercised powers of review and set aside its earlier orders granting caste validity certificates to the petitioners. Writ Petition No. 2662 of 2007 impugns a similar order dated 05 April 2007 passed by respondent no.2/Caste Scrutiny Committee. Since the prayers in all the petitions are similar, for convenience, it is appropriate to note the substantive prayers, which read thus:-

**“Prayers in Writ Petition No. 4178 of 2007**

- (a) The present petition be allowed.
- (b) This Hon'ble Court may be pleased to quash and set

aside the order dated 22.05.2007 in case No. 9/07 passed by the Caste Certificate Scrutiny Committee, Pune, thereby and be pleased to hold that the Caste Certificate Scrutiny Committee, Pune, has no power to review its orders once the Certificate of Validity is issued and be further pleased to quash and set aside the complaints filed against the present petitioner and the proceedings initiated by the Caste Certificate Scrutiny Committee, Pune.

**Prayers in Writ Petition No. 4180 of 2007**

- (a) The present petition be allowed.
- (b) This Hon'ble Court may be pleased to quash and set aside the order dated 22.05.2007 in election case No. 8/07 passed by the Caste Certificate Scrutiny Committee, Pune, thereby and be pleased to hold that the Caste Certificate Scrutiny Committee, Pune, has no power to review its orders once the Certificate of Validity is issued and be further pleased to quash and set aside the complaints filed against the present petitioner and the proceedings initiated by the Caste Certificate Scrutiny Committee, Pune.

**Prayers in Writ Petition No. 4181 of 2007**

- (a) The present petition be allowed.
- (b) This Hon'ble Court may be pleased to quash and set aside the order dated 22.05.2007 in case No. 6/07 passed by the Caste Certificate Scrutiny Committee, Pune, thereby and be pleased to hold that the Caste Certificate Scrutiny Committee, Pune, has no power to review its orders once the Certificate of Validity is issued and be further pleased to quash and set aside the complaints filed against the present petitioner and the proceedings initiated by the Caste Certificate Scrutiny Committee, Pune.

**Prayers in Writ Petition No.2662 of 2007**

- "a) that this Hon'ble Court may be pleased to issue appropriate writ and / or order and /or directions in the nature of writ thereby quashing and setting aside the impugned order dated 5-4-2007 passed by the Respondent No. 2 as well as the notice issued by the Respondent No. 2 dated 7-3-2007 and declare that the Respondent No. 2 has no power to rehear/review the case of the Petitioner;
- b) that this Hon'ble Court may be pleased to grant interim relief staying the operation, implementation and effect of the impugned order dated 5-4-2007 passed by the Respondent No. 2;
- c) that this Hon'ble Court may be pleased to stay the hearing before the Vigilance Cell in the matter of the Petitioner bearing case No.2/10/2007."

3. It is not in dispute that the petitioners in all these petitions were granted caste certificates by the appropriate authority. The caste certificates issued to the petitioners were placed before the Caste Scrutiny Committee for verification and grant of validity. By orders passed by the Caste Scrutiny Committee, validity was granted to the caste certificates. It is only after such validity was granted that pursuant to complaints made by the private respondents, the impugned order was passed. Since the contention raised before us involves only a legal issue, we do not intend to delve on any further facts. Suffice it to observe that the only issue for consideration is whether the Caste Scrutiny Committee has the power to review its own order, which, as noted hereinabove, according to the petitioners, stands concluded by several decisions of this Court.

4. The petitioners are assailing the impugned order, primarily on the ground that the Caste Scrutiny Committee has no power to review its own orders once a validity certificate has been issued.

5. The three petitions were admitted by an order dated 28 May 2007 passed by a Division Bench of this Court. Writ Petition No. 2662 of 2007 was admitted on 13 April 2007.

6. At the outset, Mr. Shah, learned counsel for the petitioner, submits that the legal issue as raised by the petitioners that the Caste Scrutiny Committee has no jurisdiction to review its own order, is no more *res integra* as the same stands squarely covered by the decisions of this Court rendered during the pendency of the present proceedings in **Rakesh Bhimashankar Umbarje & Ors. vs. State of**

**Maharashtra through its Secretary, Tribal Development Department & Another<sup>1</sup>.**

Mr. Shah has also relied on the decision in **Bharat Nagu Garud vs. State of Maharashtra & Others<sup>2</sup>.**

7. Ms. Gavhane, learned AGP, would not dispute that the Division Bench of this Court, in the aforesaid decisions, has categorically held that the Caste Scrutiny Committee is a creature of statute, being constituted under the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short, the “**said Act**”). It is also not disputed that the said Act does not confer any specific power of review on the Caste Scrutiny Committee to review the final decision taken by it.

8. In the aforesaid backdrop, it would be appropriate to note the observations made by the Division Bench of this Court in **Rakesh Bhimashankar Umbarje & Ors.** (supra), wherein, the Court analyzing the provisions *inter alia* of Section 7 of the Act, held that the Caste Scrutiny Committee has no authority and jurisdiction to review its final orders. The Court observed thus:-

“15. In the above circumstances, **the issue which would fall for our consideration is whether the Caste Scrutiny Committee at all had jurisdiction to review its own decision granting caste validity certificate to the petitioners, including those granted under orders passed by this Court.**

16. In this context, we need to examine the legislation under which the Caste Scrutiny Committee is constituted and is required to exercise its jurisdiction. The legislation is the Maharashtra Scheduled Castes,

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**1** 2023 SCC OnLine Bom 1013

**2** 2023 SCC OnLine Bom 2537

Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000. The Act provides for the regulation of the issuance and verification of the caste certificates to the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category and for matters connected therewith or incidental thereto. Section 2 of the Act deals with the definitions such as caste certificates, competent authority, scrutiny committee, etc.

17. Section 4 of the Act requires the caste certificates to be issued by the competent authority. Sub-section (2) of Section 4 of the Act states that a caste certificate issued by any person, officer or authority other than the competent authority shall be invalid. The caste certificate issued by the competent authority shall be valid only subject to the verification and grant of validity certificate by the Scrutiny Committee. Section 5 of the Act deals with the provisions of appeal in case any person is aggrieved by an order of rejection of an application passed by the competent authority under sub-section (1) of Section 4 of the Act. Section 6 of the Act deals with the verification of caste certificates by a Scrutiny Committee.

18. Section 7 of the Act deals with the confiscation and cancellation of false caste certificates. Sub-section (1) of Section 7 of the Act, deals with the power of the Scrutiny Committee to cancel or confiscate caste certificates and not caste validity certificates. Sub-section (1) of Section 7 of the Act is relevant; therefore, the same is transcribed below.

"Where, before or after the commencement of this Act, a person not belonging to any of the Scheduled Castes, Scheduled Tribes, De-notified Tribe (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward category has obtained a false caste certificate to the effect that either himself or his children belong to such castes, tribes or classes, the scrutiny committee may, suo motu or otherwise call for the record and enquire into the correctness of such certificate and if it is of the opinion that the certificate was obtained fraudulently, it shall, by an order cancel and confiscate the certificate by following such procedure as prescribed, after giving the person concerned an opportunity of being heard, and communicate the same to the concerned person and the concerned authority, if any."

19. **Further, sub-section (2) of Section 7 speaks of the order passed by the Scrutiny Committee under this Act shall be final and shall not be challenged before any Authority or Court except the High Court under Article 226 of the Constitution of India. Section 15 of the Act concerns bar of jurisdiction of Civil Court.**

20. It would be appropriate to note the relevant provisions of the Act, as noted by us above, which reads thus:

**"Section 2 Definitions .**

In this Act, unless the context otherwise requires,--

(a) "Caste Certificate" means the certificate issued by the Competent Authority to an applicant indicating therein the Scheduled Caste, Scheduled Tribe, De-notified Tribe (Vimukta Jatis), Nomadic Tribe, Other Backward Class or Special Backward Category, as the case may be, to which such applicant belongs;

(b) "Competent Authority" means a officer or authority authorised by the Government, by notification in the Official Gazette, to issue a Caste Certificate, for such area or for such purposes as may be specified in the said notification and shall include all the Competent Authorities already designated by the Government before the coming into force of this Act, having jurisdiction over the area or place to which the applicant originally belongs, unless specified otherwise;

(k) "Scrutiny Committee" means the Committee or committees constituted under sub-section (1) of section 6 for the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category for verification of the Caste Certificate and to perform the function of Scrutiny Committee under this Act;

#### **Section 4 Caste Certificate to be issued by Competent Authority.**

(1) The Competent Authority may, on an application made to it under section 3, after satisfying itself about the genuineness of the claim and following the procedure as prescribed, issue a Caste Certificate within such time limit and in such form as may be prescribed or reject the application for reasons to be recorded in writing.

(2) A Caste Certificate issued by any person, officer or authority other than the Competent Authority shall be invalid. The Caste Certificate issued by the Competent Authority shall be valid only subject to the verification and grant of validity certificate by the Scrutiny Committee.

#### **Section 5 Appeal.**

(1) Any person aggrieved by an order of rejection of application passed by the Competent Authority under sub-section (1) of section 4 may, within 30 days from the date of receipt of order, appeal to the Appellate Authority specified by the Government by notification in the Official Gazette.

(2) The Appellate Authority may within a period of three months, after giving the appellant an opportunity of being heard and after satisfying itself about the genuineness or otherwise of the claim of the appellant either confirm the rejection order, or set aside the order of the Competent Authority and direct the Competent Authority to issue the caste certificate.

#### **Section 6 Verification of Caste Certificate by Scrutiny Committee**

(1) The Government shall constitute by notification in the Official Gazette, one or more Scrutiny Committee(s) for verification of Caste Certificates issued by the Competent Authorities under sub-

section (1) of section 4 specifying in the said notification the functions and the area of jurisdiction of each of such Scrutiny Committee or Committees.

(2) After obtaining the Caste Certificate from the Competent Authority, any person desirous of availing of the benefits or concessions provided to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category for the purposes mentioned in section 3 may make an application, well in time, in such form and in such manner as may be prescribed, to the concerned Scrutiny Committee for the verification of such Caste Certificate and issue of a validity certificate.

(3) The appointing authority of the Central or State Government, local authority, public sector undertakings, educational institutions, Co-operative Societies or any other Government aided institutions shall, make an application in such form and in such manner as may be prescribed by the Scrutiny Committees for the verification of the Caste Certificate and issue of a validity certificate, in case a person selected for an appointment with the Government, local authority, public sector undertakings, educational institutions, Co-operative societies or any other Government aided institutions who has not obtain such certificate.

(4) The Scrutiny Committee shall follow such procedure for verification of the Caste Certificate and adhere to the time limit for verification and grant of validity certificate, as prescribed.

#### **Section 7 Confiscation and cancellation of false Certificate.**

(1) Where, before or after the commencement of this Act, a person not belonging to any of the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category has obtained a false Caste Certificate to the effect that either himself or his children belong to such Castes, Tribes or Classes, the Scrutiny Committee may, suo motu, or otherwise call for the record and enquire into the correctness of such certificate and if it is of the opinion that the certificate was obtained fraudulently, it shall, by an order cancel and confiscate the certificate by following such procedure as prescribed, after giving the person concerned an opportunity of being heard, and communicate the same to the concerned person and the concerned authority, if any.

(2) The order passed by the Scrutiny Committee under this Act shall be final and shall not be challenged before any authority or court except the High Court under Article 226 of the Constitution of India

#### **Section 9 Civil Court powers to Competent Authority, Appellate Authority, and Scrutiny Committee**

The Competent Authority, the Appellate Authority and the Scrutiny Committee shall, while holding an enquiry under this Act, have all the powers of a Civil Court while trying a suit under

the Code of Civil Procedure, 1908 and in particular in respect of the following matters, namely:--

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or office; and
- (e) issuing Commissions for the examination of witnesses or documents.

**Section 15 Bar of jurisdiction of Civil Courts.**

"No Civil Court shall have jurisdiction to entertain, to continue or to decide any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order, if the claim involved in such suit or proceeding, or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act."

21. The scheme of the Act as noticed from the aforesaid provisions would reveal that it would be the exclusive jurisdiction of the Caste Scrutiny Committee to consider the application for a caste validity certificate as provided for in Section 6. Sub-section (2) of Section 7 clearly provides that the orders passed by the Scrutiny Committee under this Act shall be final and shall not be challenged before any authority or Court except the High Court under Article 226 of the Constitution of India. Thus, against any order passed by the Caste Scrutiny Committee, the remedy for a person aggrieved is only to approach the High Court by invoking its jurisdiction under Article 226 of the Constitution of India and in no other manner.

22. We need to observe that there ought not to be any confusion between the provision of sub-section (1) of Section 7 and what has been provided in sub-section (2), for the reason that sub-section (1) deals with a situation that where, before or after the commencement of the Act, a person not belonging to any Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category has obtained a false 'Caste Certificate' (not a validity certificate) to the effect that either himself or his children belong to such Castes, the Scrutiny Committee in such an event and in relation to the caste certificate, may suo motu, or otherwise call for the record and enquire into the correctness of 'such certificate' (caste certificate) and if it is the opinion that the caste certificate was obtained fraudulently, it shall, by an order cancel and confiscate 'the certificate' by following such procedure as prescribed, after giving the person concerned an opportunity of being heard, and communicate the same to the concerned person and the concerned authority, if any.

23. When sub-section (1) of Section 7 uses the word caste certificate necessarily, the meaning of the same is required to be derived as per the

definition of the caste certificate as contained in Section 2(a), which defines caste certificate to mean a certificate issued by any person, officer or authority other than the Competent Authority shall be invalid. The Caste Certificate issued by the Competent Authority shall be valid only subject to the verification and grant of validity certificate by the Scrutiny Committee.

24. Thus, a 'caste certificate' is certainly not a 'caste validity certificate', as issuance of a caste validity certificate is an independent exercise to be undertaken by the Caste Scrutiny Committee by exercising its quasi-judicial powers. It is hence clear that the power conferred on the Caste Scrutiny Committee under sub-section (1) of Section 7 to enquire into any false caste certificate and form an opinion that a caste certificate was obtained fraudulently and to cancel and confiscate the certificate as ordered in sub-section (1) of Section 7, cannot be read to mean that the Caste Scrutiny Committee has the power to review its own orders/decisions granting caste validity certificate in case of a complaint being made that the caste validity certificate has been obtained fraudulently by any applicant seeking validity of the caste certificate.

25. It is quite clear from the reading of sub-section (2) that not only such orders passed by the Caste Scrutiny Committee under sub-section (1) but orders passed by the Scrutiny Committee under the provisions of "the Act", which would include a grant of a caste validity certificate, shall be final and cannot be challenged before any Authority or Court except the High Court under Article 226 of the Constitution of India. This clearly infers that once a decision is taken by the Caste Scrutiny Committee either under the provisions of sub-section (1) of Section 7 or under the provisions of Section 6, the Caste Scrutiny Committee becomes functus officio, and such decision can only be assailed by approaching the High Court under Article 226 of the Constitution of India. There cannot be any other reading from the provisions of sub-section (2) of Section 7.

26. Thus, from the scheme of the legislation it is clear that the Caste Scrutiny Committee would not have any jurisdiction to review/revisit its own orders and decisions granting caste validity certificates. This would also be clear from the reading of Section 9. It may also be observed that the legislature is conscious in making available limited powers of the Civil Court to the Competent Authority, Appellate Authority and the Scrutiny Committee, which are specifically enumerated in Section 9. The legislature has consciously avoided to confer the powers of a review as envisaged under Section 114, read with provisions of Order 47 of the Code of Civil Procedure. Once such provision conferring powers of a review are excluded in their application to the Caste Scrutiny Committee, there is no question of such powers being conferred by any implication under any circumstances.

27. Considering the provisions of sub-section (1) of Section 7, consciously, the legislature has not conferred powers on the authority issuing caste certificate to revisit the decision to issue caste certificate and cancel the same in view of fraud and misrepresentation. Such power is conferred on a higher authority, namely on the Caste Scrutiny

Committee. The contention of the learned AGP that because the Caste Scrutiny Committee had issued validity certificate, it would have jurisdiction to revisit/review its decision when there is fraud and misrepresentation is totally untenable. As noted above, the legislature was fully conscious of the fact that a validity certificate could be obtained from the Caste Scrutiny Committee by playing fraud, however, consciously, the legislature has avoided to confer any power of review on the Caste Scrutiny Committee to review/revisit its own decision even in case of fraud, misrepresentation or suppression of material facts. In fact, such an interpretation would defeat the mandate of sub-section (2) of Section 7.

28. It would need no emphasis that the power to review any order in the nature of the order passed by the Scrutiny Committee would be the power required to be expressly conferred by the provisions of the legislation under which the Caste Scrutiny Committee functions.

29. If the contention, as urged on behalf of the respondent, that the Scrutiny Committee has jurisdiction to review its own decision/ orders, although not expressly conferred by law, is accepted, the situation is just to be imagined, inasmuch as on any complaint alleging fraud and in respect of cases wherein the validity to a caste certificate has been continued by substantive orders passed by the Caste Scrutiny Committee or under orders passed by the High Court or the Supreme Court, cannot be reopened by the Caste Scrutiny Committee on any complaint of fraud. This certainly is not the intention of the legislation to unsettle the concluded issues wherein the caste validity certificates are granted as per law and under orders passed by the higher Courts. It is for such reason the legislature has categorically avoided conferring any powers of review on the Caste Scrutiny Committee.

30. We are thus of the clear opinion that in the event a complaint being made in regard to any validity certificate granted by Caste Scrutiny Committee to be vitiated by fraud or illegality, the only course open to such a complainant or otherwise any person/authority is to approach the High Court by invoking the provisions of Article 226 of the Constitution and seek its interference in setting aside the validity certificate granted in favour of such person in view of the clear provisions of sub-section (2) of Section 7 of the Act. It is in such proceedings under Article 226 the Court would be required to apply its mind as to whether the allegations of fraud or any illegality are of such nature that the decision of the Caste Scrutiny Committee was vitiated and is required to be set aside. This would assume more significance as a grant of caste validity certificate confers substantive rights on the person holding such certificate, by virtue of which a right in rem is conferred on such person on the basis of such caste validity certificate.

31. It cannot be countenanced that a Caste Scrutiny Committee assumes jurisdiction to review its orders merely on a complaint filed by any person and upsets the earlier orders passed by it. Thus, the proposition, as canvassed by the learned AGP, would lead not only to an absurdity but the proposition totally untenable in law and not recognized by the legislation.

32. Our above observations also find support in Akash Sanjay Gawali

(supra), wherein it was held that:

“6. The action of 2nd Respondent committee prima facie appears to be vindictive. It is also completely illegal. This committee has no suo motu power of review. In case after case, it seems to rely on a general principle that 'fraud vitiates everything' without realising the implications of this or how that fraud is to be detected, ascertained, proved and results based on such a finding. Perhaps this committee has no idea how difficult it is to actually prove fraud. A failure of proof is not fraud. That so-called 'fraud' must arise in the proceeding before it. It cannot be invoked like some mantra to confer on oneself a power of review over orders passed many years earlier, and which no one has called into question, about which there is no lis or proceeding, and which have all attained finality. This is so basic a concept in law that we are surprised that the committee is so utterly oblivious to it. To be plain: no one ever assailed the petitioner's father's and uncles' validity certificates on any ground. The committee had no power to suo motu re-open those validity certificates and call them into question. The committee's orders are not purely ministerial to admit of the narrow exception to the general rule that there is no inherent power of review.

7. We find it surprising that we have to repeatedly state that this committee has no suo motu power of review. None is conferred by statute. None can be necessarily inferred. The impugned order is entirely without jurisdiction.

8. This is also a case of the 2nd respondent committee inviting extreme censure for wholly overreaching this Court. Only because this Court in its order of 13 December 2018 in Writ Petition No. 10194 of 2018 entered a caveat that should the certificates of the uncles or father be recalled or set aside then the petitioner could not get any benefit, the 2nd respondent committee could not have seen this as an opportunity to go ahead and do something that was entirely outside its jurisdiction.”

(emphasis supplied)

**33. It can be clearly noticed that it has been a consistent view in various decisions that the Caste Scrutiny Committee has no jurisdiction to review its own orders. There is no dispute whatsoever on this proposition and the Courts would be required to adhere to the mandate of what has been provided for in law i.e. sub-section (2) of Section 7 that the challenge to any decision taken under the Act by the Caste Scrutiny Committee can only be challenged before the High Court by invoking the provisions of Article 226 of the Constitution of India. Furthermore, it is a settled position in law that when substantive provisions are clear, such jurisdiction cannot be conferred by any subordinate legislation or by any executive fiat.**

**34. As the Caste Scrutiny Committee has no powers to review, there is no question of any suo motu powers to be exercised by the Caste Scrutiny Committee and in any exercise of such suo motu jurisdiction would be invalid, illegal and contrary to the provisions of the Act.”**

(emphasis supplied)

9. In **Bharat Nagu Garud** (supra), a Division Bench of this Court has taken a similar view. The Court considered an additional issue, namely, a specific contention as raised on behalf of the State that the Caste Scrutiny Committee has “inherent jurisdiction” to review its own order. The said contention was also negated by the Division Bench of this Court in the said decision. The relevant observations of the Court in such context are required to be noted, which read thus:-

“33. It can be clearly noticed that it has been a consistent view in various decisions that the Caste Scrutiny Committee has no jurisdiction to review its own orders. There is no dispute whatsoever on this proposition and the Courts would be required to adhere to the mandate of what has been provided for in law i.e. sub-section (2) of Section 7 that the challenge to any decision taken under the Act by the Caste Scrutiny Committee can only be challenged before the High Court by Invoking the provisions of Article 226 of the Constitution of India. Furthermore, it is a settled position in law that when substantive provisions are clear, such jurisdiction cannot be conferred by any subordinate legislation or by any executive fiat.

34. As the Caste Scrutiny Committee has no powers to review, there is no question of any suo motu powers to be exercised by the Caste Scrutiny Committee and in any exercise of such suo motu jurisdiction would be invalid, illegal and contrary to the provisions of the Act.

34. Despite the above clear position as held by this Court, Mr. Gangal, learned special counsel for the State would submit that although the provisions of the 2000 Act, do not expressly confer any power on the Caste Scrutiny Committee to review its own orders, nonetheless the Caste Scrutiny Committee has “inherent jurisdiction” to review its own orders. In support of such contention, Mr. Gangal has placed reliance on the decision of the Division Bench of this Court in Smt. Sangita Sharad Kolse (supra), which is a decision prior to the decision of the Division Bench in Apoorva d/o. Vinay Nichale (supra). **After such decision, there are several decisions of this Court which has taken a consistent view that the statute (2000 Act) does not confer any powers of review on the Caste Scrutiny Committee and once such powers of review are not conferred, in such event, it cannot be held that the Caste Scrutiny Committee can exercise review jurisdiction on any other parameters, including on the issue of fraud. Thus, in our opinion, the decision of the Division Bench in Smt. Sangita Sharad Kolse (supra) would not assist Mr. Gangal.**

44. This apart, in our opinion, if in a situation that a Caste Scrutiny

Committee has granted validity to a caste certificate and the same is being questioned later on (in present cases after long lapse of time) it can only be on a prima facie satisfaction of the High Court in any acceptable and legitimate proceedings under Article 226 of the Constitution that such a plea needs to be accepted for reopening/re-examination of the issue by the Caste Scrutiny Committee, and not otherwise. There cannot be a free hand or a licence to the Caste Scrutiny Committee to reopen concluded cases of validity being conferred by it by its earlier orders to be revisited or re-examined on a complaint or otherwise and review its orders.

45. Also such contentions as urged on behalf of the State that the Caste Scrutiny Committee has inherent powers to review its own orders would lead to devastating consequences, as rightly urged on behalf of the petitioners. Such consequence would be: -

(i) That the Caste Scrutiny Committee would be permitted to form its subjective opinion on a decision taken by a co-ordinate Committee irrespective of the period when such decision was taken either suo motu or otherwise;

(ii) A pure subjective opinion of the Caste Scrutiny Committee would be as to what according to it would be a case of misrepresentation and fraud, so as to reopen concluded case of an earlier validity being granted;

(iii) Such reopening of the validity already granted would be without any restriction as to limitation (as in the present case), creating a situation to unsettle concluded issues;

(iv) Even to make allegations of a fraud on a concluded issued under the general law would be covered by a prescribed period limitation. Even if validity has been fraudulently obtained, it cannot be that on an allegation of fraud in a given case, issues can be reopened after such enormous delay of 15 to 20 years although it may be a consideration to decide future cases.

46. Thus in our opinion, the Caste Scrutiny Committee, being a statutory body exercising quasi adjudicatory functions, would not have any jurisdiction to suo motu verify the past records and initiate an action to reopen past decision and invalidate the caste validity certificates already granted. If an inherent power of review is to be read in the provisions of the 2000 Act, it would lead to a monumental uncertainty and absurdity in the functioning of the Caste Scrutiny Committee, as it can be at the ipse dixit of the Caste Scrutiny Committee to reopen concluded cases. This would lead to patent arbitrariness. For such reasons, it is not possible to come to a conclusion that any inherent power of review is available with the Caste Scrutiny Committee.

47. This apart as noted above, in the decisions as rendered by this Court, it has been consistently held that there is no jurisdiction as conferred by the 2000 Act on the Caste Scrutiny Committee to review its own order either on an application or suo motu. The nature of adjudication as undertaken by the Caste Scrutiny Committee is certainly quasi-judicial in nature where admittedly there is an enquiry after

hearing the parties (including hearing a third party/complainant) and after considering the vigilance report and the documentary and oral evidence, a decision is required to be taken by the Caste Scrutiny Committee. In the absence of a Caste Scrutiny Committee, such powers to make any such declaration to the caste certificate, could only be wielded by the Civil Court. Thus, certainly a caste scrutiny committee is exercising such vital jurisdiction, which otherwise would have been exercised by a civil court. Even from such perspective, it cannot be held that any inherent powers of review are conferred on the Caste Scrutiny Committee. Even otherwise considering the nature of functions of the Caste Scrutiny Committee, the legislature itself has avoided to confer any review powers which could have been conferred by the legislature, as observed by the Division Bench of this Court in Rakesh Bhimashankar Umbarje (supra). Even when a review jurisdiction is conferred by law on Courts, it is circumscribed by strict rules, namely, adjudicating any review proceedings on the touchstone of the principles as contained in Code of Civil Procedure and as also the applicability of the law of limitation . It is thus difficult to accept the case as urged on behalf of the State that the Caste Scrutiny Committee would be a body which is beyond the applicability of any restriction and rules, which are necessarily applicable to bodies conferred with review jurisdiction.

48. For the above reasons, we are not persuaded to accept any of the contentions as urged by Mr. Gangal so as to read any review jurisdiction being conferred on the Caste Scrutiny Committee, to review the past decisions, when the decision of the Caste Scrutiny Committee either rejecting the validity or granting validity is only subject to jurisdiction of this Court under Article 226 of the Constitution.”

10. In the aforesaid circumstances, the position in law being well settled, the Caste Scrutiny Committee has no authority to exercise review jurisdiction in passing orders, as impugned in the present proceedings. Such orders are passed wholly without jurisdiction, and are a nullity, requiring the same to be quashed and set aside.

11. Accordingly, the impugned orders passed by Caste Scrutiny Committee, subject matter of assail in the present proceedings, are quashed and set aside. Each of these Writ Petitions is made absolute in terms of prayer clause (a).

12. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)