IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13598 OF 2023

angal Dagadu More
ged 62 years, Occ.: Service,
resident of At Post. Ahire,
Tal. Khandala, Dist. Satara ...Petitioner

Versus

1. State Of Maharashtra
through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai-400 032.

2. Scheduled Tribe Certificate Scrutiny Committee,
Pune through its Member Secretary,
having its office at Pune, Dist. Pune

3. Primary Health Centre Ahire,
through its Medical Officer (Group-A)
having its office at Tal. Khadala,
Dist. Satara. ...Respondents

Mr R. K. Mendadkar for Petitioner.

Mr Aditya R. Deolekar, AGP for Respondent-State.

AJIT RAMESH PATHRIKAR
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CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

RESERVED ON: 30th SEPTEMBER 2026
PRONOUNCED ON: 19th OCTOBER 2026

JUDGMENT: (Per Dr Neela Gokhale, J.)

1. **Rule**. Rule made returnable forthwith. By consent of the parties, the matter is heard finally.

2. By this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner seeks to quash and set aside the order dated 11th February 2022 passed by Respondent No. 2, the Scheduled Tribe Scrutiny Committee, Pune,

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which invalidated the Petitioner's caste certificate following her superannuation from the post of peon with Respondent No. 3, the Primary Health Centre.

3. The facts leading to the present proceedings are that the Petitioner claims to belong to the Thakar Tribe. The competent authority granted her a caste certificate dated 30th January 2009, certifying that she belonged to the Thakar Tribe. She was employed as a peon at Respondent No. 3, Primary Health Centre. By an application dated 7th October 2009, the Petitioner sought verification of her certificate from the Scheduled Tribes Scrutiny Committee. She submitted evidence, including her school records and revenue records, prior to the deemed date, i.e., 1918, 1919, 1924, 1930, 1932, 1935 and 1940, in favour of her blood relatives on the paternal side, showing their duly recorded caste as Thakar. She also furnished the caste validity certificate of her real brother, granted by Respondent No. 2 Committee, following a thorough vigilance enquiry and in accordance with law.

4. Earlier on a very peculiar reason, her caste certificate was invalidated by an order dated 4th November 2019 of the Scrutiny Committee on a technical ground that it was not in the prescribed Form-C. She was given liberty to obtain a fresh caste certificate in the prescribed form and to file a fresh application for its validation before the Respondent No.2 Committee.

5. On 10th November 2020, she obtained a fresh caste certificate from the competent authority in the prescribed form, which shows that she belonged to the Thakar Scheduled Tribe. She also submitted the caste validity certificate of her real brother, namely Murlidhar Dagduji More, issued by the Respondent No.2

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Committee. On 31st May 2020, after 38 years of unblemished service, she superannuated. However, because she was not issued a caste validity certificate, she was made to forgo her right to be considered for promotion. In fact, she was never considered for promotion solely because her validity certificate was not available. This apart her grievance is that, even after her retirement, the pensionary benefits, including gratuity and other retirement benefits, have been withheld for want of the caste validity certificate.

6. On 20th December 2021, the Committee referred the Petitioner's case to the vigilance cell. She was called for hearing on 9th February 2022, and pursuant to that hearing, the Committee invalidated her tribe claim by its order dated 11th February 2022. It is this order which is assailed in the present petition.

7. Mr R. K. Mendadkar, learned counsel, appeared for the Petitioner, and Mr Aditya Deolekar, learned AGP, represented the State.

8. Mr Mendadkar has assailed the decision-making process of the Respondent No. 2 Committee, contending that the Committee failed to consider the evidence, including a plethora of documents clearly demonstrating that the Petitioner belonged to the Thakar community. He submitted that the order invalidating the Petitioner's caste certificate is contrary to well-settled principles of law. Documentary evidence predating the Constitution, relating to the Petitioner's blood relatives in the years 1918, 1919, 1923, 1924, 1930, 1931, 1932, 1934, 1935, 1939, 1940 and 1944, in the form of birth certificates, death certificates and school records, as well as several mutation entries, have consistently recorded the

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Petitioner's blood relatives as belonging to the Thakar community. Moreover, the Committee failed to consider that the Petitioner's 'real brother' was also issued a caste validity certificate as belonging to the Thakar community. In these circumstances, Mr Mendadkar submitted that the impugned order was passed without application of mind and deserves to be quashed and set aside.

9. Mr Mendadkar further stated that the Petitioner is now superannuated. She has not received any retiral benefits due to the invalidation of her caste validity certificate. She is suffering from knee trauma and has been undergoing treatment since 2021. She was also hospitalised in March 2023. Because of her medical condition, she was unable to assail the order earlier but has now sought the said relief by filing the present petition. The delay in approaching the Court is thus inadvertent and due to medical reasons. Mr Mendadkar thus urges this Court to allow the petition and grant the reliefs as prayed.

10. Mr Deolekar, learned AGP, has vehemently contested the petition supporting the impugned order and prayed that it be rejected.

Analysis:

11. We have heard the learned counsel for the parties and perused the record. At the outset, we may observe that the issue that at the fag end of the service and/or upon retirement merely for the reason that a caste validity certificate was not submitted when the employee was permitted to discharge the duties throughout and superannuated, is no longer res integra. This Court in **Ratnamala Anilkumar**

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Swami vs. State of Maharashtra and Anr.[1], while referring to a series of decisions of the Supreme Court as well as of this Court, held that the employer cannot deny the grant of family pension to the Petitioner therein, which being the recognition of the long service rendered by her, and that the employee cannot be left in penury, destitution and suffering in the twilight of her life, throughout the Petitioner's service, the absence of a caste validity certificate was never held against her, nor were any disciplinary proceedings initiated. Only after her retirement did Respondent No. 3 point out the invalidation of the caste certificate.

12. It is not the Respondent's case that it had, in any manner, invoked the provisions of Section 10 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backwards Classes and Special Backwards Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, to discharge her from service in the absence of validation of her certificate. It is an admitted fact that the State Government, vide Government Resolution dated 27th December 2019, has taken a policy decision to protect the services of candidates who belong to the Scheduled Tribes in circumstances of invalidation of their caste certificate, as a humanitarian measure, for the long years of service rendered by such employees. The relevant paragraphs No. 4.1 and 4.2 of the GR dated 27th December 2019 read as below:

> "4.1 On account of non-submission of the Scheduled Tribe Caste Validity Certificate, all Administrative Departments concerned shall, pursuant to this Government Resolution, create supernumerary posts in the cadre of the posts currently held by such Officers and Employees, equivalent to the number of Officers and Employees whose services are being transferred to supernumerary posts and all the

1 Writ Petition No. 2684 of 2026 decided on 10th August 2026

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Administrative **Departments concerned, on humanitarian grounds and to obviate administrative exigencies, shall appoint such Officers and Employees to the said supernumerary posts on a purely temporary basis for a period of 11 (eleven) months or until the date on which they would have retired, if they had continued in service, whichever is earlier**.

4.2 As regards those Officers and Employees who were discharged from service prior to the issuance of this Government Resolution, all Administrative Departments concerned shall create supernumerary posts in the cadre of the post held by such Officers and Employees prior to their termination from the service **and shall, on humanitarian grounds and to obviate administrative exigencies, appoint them to the said supernumerary** posts on a purely temporary basis for a period of 11 (eleven) months, or until the date on which they would have retired if they had continued in service, whichever is earlier."

13. Thus, it appears that the State Government was concerned with the plight of employees who suffered because they had not procured a caste validity certificate, or because the certificate was invalidated by the scrutiny committee only after long years of service had been rendered by the said employees. There are a series of decisions in this regard.

14. Further to the decisions cited at the Bar, it is clear that such issues had reached the Courts. We find that a Division Bench of this Court in the case of **Prakash S/o Fulchand Barwal & Ors. vs. The State of Maharashtra and Ors**[2]. considered a similar situation, wherein the petitioner, who belonged to the Scheduled Tribe category, had expired. He was appointed as a peon in 1988 against a post reserved for Scheduled Tribes. His Caste Certificate was referred to the Caste Scrutiny Committee for verification, which invalidated his claim vide order dated 30th September 1989. Consequently, his services were terminated vide order dated 10th December 1989. The appeal preferred against the said order was also dismissed. He expired during the pendency of the said petition. In these

2 Writ Petition No.3718 of 1994 decided on 12.08.2010.

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circumstances, the Court recognised the entitlement of the legal heirs to the grant of family pension. The relevant observations read thus:

> "2] The original petitioner was appointed as Peon by the respondent no.4 by the order dated 11.7.1988. The petitioner's appointment was against a post reserved for scheduled tribe. As such the claim of the petitioner was referred to the scheduled tribe caste verification committee. The said committee invalidated the claim of the petitioner vide order dated 30.9.1989. On the ground of invalidation, the petitioner's services came to be terminated vide order dated 10.12.1989. The appeal preferred by the petitioner against the order of the caste verification committee was dismissed on 27.10.1993. Being aggrieved thereby, the present petition was filed.
> 3] While granting Rule, this Court had granted interim relief in terms of prayer clause (B). As such in pursuance to the interim order, the petitioner was to work as a Peon with the respondent no.4. Subsequently, Civil Application No. 5571/1994 was filed by the respondent no.4 for vacating the interim relief. The same came to be rejected.
> **4] During pendency of the writ petition, the original petitioner has died and his legal heirs are brought on record. Since the original petitioner has already died, the question regarding his claim of belonging to scheduled tribe does not arise. The legal heirs of the original petitioner have restricted the claim in the present petition only for grant of family pension.**
> 5] The petitioner was originally appointed on 18.7.1988. By virtue of interim order passed in the year 1994, the petitioner was directed to be reinstated. The original petitioner has died on 5.12.2003. Considering the date of appointment of the original petitioner to be 11/18.7.1988, the original petitioner has rendered the service of more than 15 years. As such the petitioner's widow would be entitled to the family pension. We accordingly extend the benefit of family pension to the widow of the original petitioner i.e. present petitioner no.1 - Smt. Shobhabai w/o Prakash Barwal.
> 6] We, therefore, dispose of the writ petition by directing the respondents to give the benefits of family pension to the widow of the original petitioner from the date of his death i.e. 5.12.2003. The said benefit be extended to the widow of the petitioner namely Smt. Shobhabai w/o Prakash Barwal within a period of six months from today along with the arrears. No order as to costs."
>
> [emphasis supplied]

15. The decision in **Prakash s/o Fulchand Barwal** (supra) was followed by the Co-ordinate Bench of this Court in the case of **Saraswati w/o Nagnath Mupde vs. The State of Maharashtra & Ors.**[3], in which the husband of the Petitioner was working as a teacher and had been appointed to a post reserved for the Scheduled Tribe category. His Caste Certificate was invalidated by the Caste Scrutiny

3 Writ Petition No.7986 of 2020 decided on 02.05.2024.

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Committee. Considering the decision in **Prakash s/o Fulchand Barwal** (supra), the Court made the following observations:

> "5. It was held in Prakash Barwal (supra), that the LR's were entitled for the pensionary benefits since the bread earner had passed away while in service. Family pension was, therefore, directed to be paid to the widow from the date of his death. In **Sunita W/o Late Pradip Thakar Vs. The State of Maharashtra and Others. 2022 (1) Mh.L.J. 219**, this Court dealt with the claim of a widow and following the law laid down in Prakash Barwal (supra), this Court also granted the pensionary benefits. The Petitioner's case is practically identical to both reported judgments.
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> **6. We are informed that the Petitioner was receiving provisional pension, which was subsequently discontinued.**
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> 7. In view of the above, **this Writ Petition is partly allowed** with the following directions:
>
> A) Respondent No. 3/Headmaster would forward the proposal of the Petitioner, as a widow, for receiving the pension, to Respondent No.4/Education Officer (Primary), within 30 day from today.
>
> B) the said proposal would be dealt with by the appropriate Authorities and considering the order of this Court in Prakash Barwal (supra) and Sunita Thakur (supra), the Petitioner shall be entitled for pension from the date of the demise of her husband.
>
> C) The arrears be calculated and be paid to the Petitioner on or before 30.11.2024, if not already paid, and the commencement of payment of pension shall be from the month of June, 2024. In the meanwhile, the provisional pension shall continue and such amounts received by way of provisional pension would be adjusted as against the arrears of pension.
>
> D) **Rule is made partly absolute in above terms.**"
>
> [emphasis supplied]

16. In a recent decision in the case of **Manda w/o Prakash Sonawane vs. The State of Maharashtra and Ors.**[4]**,** the deceased husband of the petitioner therein was the only bread earner. He was selected and appointed to a post reserved for the backward category. He retired on 30th June 2020 and passed away on 18th July 2022. There was no dispute regarding pensionary benefits and entitlement to retiral benefits. The employer, however, took a stand that the same would not be payable to the legal representatives of the petitioner, since the deceased employee did not tender the Caste Validity Certificate, and since the employee's claim of

4 Writ Petition No.13426 of 2024 decided on 15.10.2024.

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belonging to the reserved category was not validated, the petitioner would not be entitled to the grant of family pension. It is in these circumstances that a Division Bench of this Court in the case of **Manda w/o Prakash Sonawane** (supra), relying on the decision of this Court in the matter of **Kamlabai w/o Shaphadu Salve Vs. the State of Maharashtra & Ors.**[5], and also the Supreme Court in the matter of **Chairman and Managing Director, Food Corporation of India and Ors. Vs. Jagdish Balaram Bahira and Ors.**[6] recognized the entitlement to family pension and other reliefs and made the following observations:

> "8. In similar set of facts, this Court (Coram: Ravindra V. Ghuge and S.G. Mehare, JJ.) delivered a Judgment on 20th July, 2021 in Writ Petition No.6485 of 2020 at Aurangabad (**Sunita w/o Late Pradip Thakar Vs. State of Maharashtra and Ors.**) and by placing reliance on a Judgment of this Court, dated 12th August, 2010 delivered in Writ Petition No.3718 of 1994 (**Prakash Fulchand Barwal since deceased through his Legal Heirs Smt. Shobhabai Barwal and others Vs. The State of Maharashtra and Ors.**), allowed the claim of Sunita and directed the payment of family pension and all retiral benefits as would have been admissible to the deceased employee had he normally superannuated from service. For similar reasons, this Court has delivered several Judgments which are annexed to the Petition paper-book.
>
> 9. In the light of the above, **this Writ Petition is allowed in terms of prayer clause (A)**. Necessary papers for releasing the family pension payable to the eligible Legal Representatives of the deceased Employee, shall be moved by the Employer within 30 days and it shall be the duty of the Employer, as well as the Authorities concerned, to ensure that the arrears of pension are paid to the eligible Legal Representatives, within a period of 90 days from today. Gratuity amount shall also be paid within a period of 60 days with admissible statutory interest @ 12% per annum in the light of the Government Notification dated 5th October, 1999 issued by the Government of India, Ministry of Personnel, P.G. & Pensions, Department of Pension & Pensioners' Welfare. Needless to state, that the LRs of the deceased would co-operate with the authorities, if the preparation of the papers.
>
> 10. It is made clear that if any of the eligible Legal Representatives of the deceased Employee, desire to seek compassionate employment, the law laid down by the Full Bench of this Court in **Om Bhagwanrao Anjanwad vs. State of Maharashtra and Anr., (Full Bench), 2022 (4) Mh.L.J. 723**, would be squarely applicable."

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5 Writ Petition No.4624 of 2021 decided on 01.10.2021.

6 2017 (8) SCC 670

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17. Recently the Supreme Court, in the matter of **Surekha Baljorsingh Thakur vs. Caste Scrutiny Committee and Anr.**[7], while exercising its powers although under Article 142 of the Constitution of India, directed that the Appellant therein is entitled to pensionary benefits because she had rendered long years of service, even though her caste certificate was invalidated after she superannuated.

18. Considering the aforesaid consistent view taken by the Supreme Court as well as this Court, we are of the opinion that the Petitioner cannot be deprived of her retiral benefits solely on the ground of the post-retirement invalidation of her caste certificate.

19. In these circumstances, the petition deserves to be allowed. The judgment and order dated 11th February 2022 is quashed and set aside.

20. Respondent No.3 is directed to release the pensionary benefits, gratuity amount and other retiral benefits entitled to her within a period of three weeks from the date on which this order is uploaded along with interest at the rate of 8% per annum from the date such payments were due.

21. Rule is accordingly made absolute.

(DR. NEELA GOKHALE, J.) (G. S. KULKARNI, J.)

7 Special Leave to Appeal (C) No(s). 15632 of 2021 decided on 1st April 2024

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