

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6422-6423 of 2019

[ @ Special Leave to Appeal (C) No(s). 18283-18284/2013]

MAHENDRA PANDAHRI BAWISKAR

Appellant(s)

VERSUS

THE SCHEDULED TRIBE CERTIFICATE  
SCRUTINY COMMITTEE, GADCHIROLI & ORS.

Respondent(s)

O R D E R

Leave granted.

The appellant herein obtained a certificate on 23.06.1989 that he belonged to a Scheduled Tribe - 'Thakur'. After he had been in service for about 8 years, the Scrutiny Committee constituted under the Maharashtra Scheduled Caste, Scheduled Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification) of Caste Certificate Act, 2000 (Maharashtra Act No. XXIII of 2001) [for short 'the Act'] verified the caste certificate and came to the conclusion that the appellant did not belong to the Scheduled Tribe and had obtained the caste certificate by stating incorrect facts. The High Court by the impugned order has upheld the order of the Caste Scrutiny Committee.

The main prayer of the appellant is that since he had been working for about 21 years, he should be permitted to continue in job. We cannot accede to the request made by the appellant because by his action, the appellant has deprived someone actually belonging to the Scheduled Tribe from getting that job. It would be pertinent to mention that the High Court has recorded that the

appellant gave up his claim that he belonged to the Scheduled Tribe and had only prayed that his service may be protected.

In view of the judgment of this court in *Chairman And Managing Director FCI And Ors. V. Jagdish Balaram Bahira And Ors.* [(2017) 8 SCC 670], this relief cannot be granted.

Learned counsel for the appellant submits that the Committee has also recommended criminal prosecution of the appellant. In view of the law laid down in para 69.9 of the *Chairman and Managing Director FCI and Ors. v. Jagdish Balaram Bahira and Ors.* [supra], the prosecution cannot be allowed since the certificate was obtained on 23.06.1989 and the Act came into force only on 18.10.2001. On 23.06.1989, there was no offence under the Act.

We, therefore, allow the appeals to the limited extent and no criminal action be taken against the appellant. However, the remaining prayers are rejected.

.....J.  
[DEEPAK GUPTA]

.....J.  
[ANIRUDDHA BOSE]

NEW DELHI;  
August 16, 2019.

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 18283-18284/2013

(Arising out of impugned final judgment and order dated 18-09-2012 in WP No. 1045/2012 and order dated 07-02-2013 in MCA No. 994/2012 in WP No. 1045/2012 passed by the High Court Of Judicature At Bombay At Nagpur)

MAHENDRA PANDAHRI BAWISKAR

Appellant(s)

VERSUS

THE SCHEDULED TRIBE CERTIFICATE  
SCRUTINY COMMITTEE, GADCHIROLI & ORS.

Respondent(s)

Date : 16-08-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Gagan Sanghi, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Anand Dilip Adsure, Adv.  
Mr. Ravindra Keshavrao Adsure, AOR  
  
Mr. Nishant R. Katneshwarkar, Adv.  
Mr. Anoop Kandari, Adv.

UPON hearing the counsel the Court made the following

## O R D E R

Leave granted.

The civil appeals are allowed to the limited extent in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)  
COURT MASTER

(RENU KAPOOR)  
COURT MASTER

[Signed order is placed on the file]