



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____ OF 2026
(@ SLP (C) NO. 12938 OF 2020)**

SHIRISH PANDHARINATH PATIL

... APPELLANT

VERSUS

THE STATE OF MAHARASHTRA & ORS.

... RESPONDENTS

J U D G M E N T

VIPUL M. PANCHOLI, J.

1. Leave granted.
2. This appeal arises out of the judgment and order dated 15.09.2020 passed by the High Court of Judicature at Bombay in Writ Petition (St.) No. 92659 of 2020, whereby the High Court dismissed the writ petition filed by the appellant and affirmed the order dated 27.07.2020 passed by the respondent No. 2-Scheduled Tribe Certificate Scrutiny Committee (for brevity “Scrutiny Committee”) invalidating the caste claim of the appellant as belonging to the “Tokre Koli” Scheduled Tribe, thereby cancelling and confiscating his caste certificate.

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- 3.** The brief facts are that the appellant was issued a caste certificate in the year 1984, certifying him as belonging to the “Tokre Koli” Scheduled Tribe. On the basis of the said caste certificate, the appellant secured appointment as a Junior Engineer (Civil) with respondent No. 3-Municipal Corporation of Greater Mumbai on 21.10.1994 and was subsequently promoted in the year 1999. After misplacing the original caste certificate, the appellant obtained a fresh caste certificate dated 21.10.2000 from the Sub-Divisional Magistrate, Bhusawal Division, certifying him as belonging to the “Tokare Koli” Scheduled Tribe.
- 4.** In the year 2008, the caste claim of the appellant was referred by the respondent-employer for verification. The Police Vigilance Cell submitted its report dated 16.09.2008, wherein reliance was placed upon several old family records of the appellant in which the caste of his paternal ancestors was recorded as “Koli”, “Hindu Koli” and “Hindu Suryawanshi Koli”. A show-cause notice dated 10.07.2009 was thereafter issued to the appellant, who submitted his replies and representations.

5. After several rounds of hearings and reconstitutions of the Scrutiny Committee, the matter was ultimately listed on 02.01.2020. On the said date, the appellant did not appear in person but submitted a written representation and sought an adjournment on account of the non-availability of his advocate and elderly family members. The request was rejected and the matter was posted for orders. Thereafter, the Scrutiny Committee, by order dated 27.07.2020, invalidated the Caste Certificate dated 21.10.2000 and cancelled and confiscated the same.
6. The appellant challenged the said order before the High Court, *inter alia*, contending that the Scrutiny Committee had violated the principles of natural justice by rejecting his request for adjournment and had failed to properly consider the documents produced by him, including the 7/12 extract of the family agricultural land recording the land as “tribal land” and the Caste Validity Certificate granted to his cousin, Vinod G. Sonavane. It was also contended that the entries “Koli” and

“Suryavanshi Koli” in the old family records of the appellant cannot invalidate his claim of “Tokre Koli” Scheduled Tribe.

7. *Vide* the impugned judgment and order dated 15.09.2020 passed in Writ Petition (St.) No. 92659 of 2020, the High Court declined to interfere with the order of the Scrutiny Committee and dismissed the writ petition, holding that the appellant had been afforded sufficient opportunity during the prolonged proceedings and that rejection of the adjournment application dated 02.01.2020 had neither caused prejudice nor resulted in violation of the principles of natural justice. On merits, relying upon the pre-constitutional records of the grandfather and father of the appellant, wherein their caste was recorded as “Koli”, the High Court held that such records possessed high probative value and rejected the claim of the appellant of belonging to the “Tokre Koli” Scheduled Tribe. The High Court also accepted the finding of the Scrutiny Committee that the Caste Validity Certificate granted to the cousin of the appellant, Vinod G. Sonavane, had been obtained by misrepresentation. Accordingly, finding no reason to interfere with the order dated

27.07.2020 passed by the Scrutiny Committee, the High Court dismissed the writ petition.

8. Aggrieved by the said judgment and order passed by the High Court, the appellant has filed the present appeal.
9. Learned counsel appearing on behalf of the parties have made their respective submissions on merits.
10. However, in light of the fact that the appellant has retired, learned counsel for the appellant has alternatively prayed for protection of the retiral and pensionary benefits of the appellant. Further, the appellant has filed an affidavit dated 18.08.2026, wherein he has stated that he has retired on 30.06.2025 and no children and no member of his family has availed any benefit on the basis of the impugned Caste Certificate. Reliance was placed upon the order dated 01.04.2024 passed by this Court in ***Surekha Baljarsingh Thakur v. Caste Scrutiny Committee & Anr., Civil Appeal No. 4586 of 2024***, wherein post-retirement benefits were granted to the concerned individual, notwithstanding the

annulment of the caste certificate, in exercise of the power under Article 142 of the Constitution of India.

- 11.** We have heard learned counsel appearing for the parties, considered the rival submissions, examined the material placed on record and perused the order dated 27.07.2020 of the Scrutiny Committee as well as the impugned judgment dated 15.09.2020 passed by the High Court. We find no error in the conclusion reached by the Scrutiny Committee and affirmed by the High Court in the impugned judgment.
- 12.** However, having considered the facts and circumstances of the case and noting that the appellant entered service with respondent No. 3 in the year 1994 and continued in service until the date of his retirement on 30.06.2025, which is for more than three decades, we consider it appropriate to ensure that the appellant is not deprived of his retiral and pensionary benefits. During the pendency of this appeal, the appellant continued in service pursuant to the interim order of this Court dated 18.11.2021 and ultimately retired on attaining the age of superannuation. Further, the appellant has placed on record

his affidavit dated 18.08.2026, stating that he has no children and that none of his family members has derived any benefit from the caste certificate issued to him.

- 13.** Generally, invalidation of a caste or tribe claim upon verification would have consequences in law. However, this Court has consistently recognized that, in exceptional circumstances where equities of the case so warrant, the power under Article 142 of the Constitution of India may be exercised to do complete justice. In the decision of ***Chairman and Managing Director, Food Corporation of India & Ors. v. Jagdish Balaram Bahira & Ors., (2017) 8 SCC 670***, the three-judge bench recognized that, although ordinarily an appointment secured on the basis of an invalid caste or tribe certificate would not survive, the Court may, in an appropriate case, exercise its power under Article 142 to render complete justice. In the subsequent decisions in ***R. Sundaram v. Tamil Nadu State Level Scrutiny Committee, 2023 SCC OnLine SC 287***, and ***Surekha Baljorsingh Thakur v. Caste Scrutiny Committee & Anr. (supra)***, relief in respect of post-retirement benefits was

extended to the individuals concerned notwithstanding the annulment of their caste certificates.

- 14.** In view of the facts and circumstances of the present case, we are inclined to exercise our power under Article 142 of the Constitution of India, and accordingly, the service rendered by the appellant with respondent No. 3 from 21.10.1994 until his date of retirement on 30.06.2025 shall be protected for the limited purpose of computation and release of his retiral and pensionary benefits, in accordance with the applicable service rules.
- 15.** It is clarified that the protection granted hereinabove shall not amount to validation or recognition of the claim of the appellant of belonging to the “Tokre Koli” Scheduled Tribe. Neither the appellant nor any member of his family shall be entitled to claim any future benefit on the basis of the invalidated caste certificate.
- 16.** In view of the aforesaid discussion, we allow the appeal to the extent stated hereinabove. We are of the view that the order dated 27.07.2020 passed by the Scrutiny Committee, insofar as

it invalidates the claim of the appellant of belonging to the “Tokre Koli” Scheduled Tribe, and the impugned judgment dated 15.09.2020 passed by the High Court affirming the same, do not warrant interference. The appellant will be entitled to the retiral and pensionary benefits, which shall be processed and released within a period of six months from the date of this judgment.

17. Pending application(s), if any, stand disposed of.

.....J.
[ARAVIND KUMAR]

.....J.
[VIPUL M. PANCHOLI]

NEW DELHI
SEPTEMBER 03, 2026