

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.           /2025  
[@ SLP (CIVIL) No(s).20130/2024]

SHABAN MAKBUL TAMBOLI

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal arises from the judgment and order dated 31-07-2024 passed by the High Court of Judicature at Bombay, dismissing the Writ Petition No. 7385/2022 filed by the appellant herein challenging the order passed by the Divisional Caste Scrutiny Committee, Satara dated 15.12.2018 invalidating the caste certificate issued to the appellant by the Sub-Divisional Officer, Phaltan on 06.08.1999.

3. Mr. Sachin Patil, learned counsel appearing on behalf of the appellant submits that the appellant's father shifted from Belgaon, Karnataka to Maharashtra and joined service at the Hindustan Spinning and Weaving Mill in 1973.

4. The appellant was born in the year 1982 and was living in Satara where she applied for a caste certificate which was issued on 06.08.1999. On the basis of this caste certificate, she was appointed as a Conductor in the Maharashtra State Road Transport Corporation, Satara Division and was continuously working in the said post since 2013.

5. In the meanwhile, her case was referred to the Caste Scrutiny Committee, Satara which by its order dated 15.12.2018 invalidated the appellant's caste certificate solely on the ground that she does not satisfy the requirement of the Maharashtra Scheduled Caste, Scheduled Tribe, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012<sup>1</sup> formulated under the Maharashtra Act No.XXIII of 2001. The reason for setting aside the caste certificate is simply that neither the appellant nor her father was living in the State of Maharashtra as on 13.10.1967 and as such she was not a permanent resident of the state of Maharashtra as per the 2012 Rules.

6. The writ petition filed by the appellant questioning the order passed by the Caste Scrutiny Committee was dismissed by the High Court which is challenged before us.

<sup>1</sup> 2012 Rules

7. We are in agreement with Mr. Patil that the appellant joined her services in 2013. It took almost five years for the authorities to refer the matter to the Caste Scrutiny Committee. It is also true that the appellant continued in employment during the subsistence of the proceedings before the Caste Scrutiny Committee as well as judicial review proceedings before the High Court, in as much as the appellant served the Maharashtra State Road Transport Corporation continuously and uninterruptedly from 2013 to 2024, that is for more than a decade. Unfortunately, her services came to be terminated as a consequence of the decision of the High Court.

8. In the facts and circumstances of the present case and in view of the fact that there is no falsity or fraud in obtaining the caste certificate, and also taking into account that the appellant had already served the Corporation for five years before the decision of the Caste Scrutiny Committee, we are of the opinion that termination of employment on the ground that she does not hold a valid caste certificate is not justified. The order of termination needs to be set aside.

9. Our decision is based on the peculiar facts and circumstances of this case and we have also not gone into the legal submissions raised by Mr. Varad Kilor, learned counsel appearing for the State, on the applicability of the provisions of the Act and the 2012 Rules.

10. In view of the above, we set aside the order of the Caste Scrutiny Committee dated 15.12.2018 and direct the Divisional Controller, Maharashtra State Road Transport Corporation, Satara Division, Satara to reinstate the appellant with all consequential benefits.

11. We reiterate that our decision is based on the peculiar facts and circumstances of the case and shall not be a binding precedent.

12. With the above observations, the civil appeal is disposed of.

. . . . .J.  
[PAMIDIGHANTAM SRI NARASIMHA]

. . . . .J.  
[JOYMALYA BAGCHI]

18-03-2025  
New Delhi

ITEM NO.52

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 20130/2024

[Arising out of impugned final judgment and order dated 31-07-2024 in WP No. 7385/2022 passed by the High Court of Judicature at Bombay]

SHABAN MAKBUL TAMBOLI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA &amp; ANR.

Respondent(s)

[TO BE TAKEN UP AT 2:00 P.M.].....  
IA No. 242021/2024 - APPROPRIATE ORDERS/DIRECTIONS

Date : 18-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. Sachin Jaysing Patil, Adv.  
Mr. Geo Joseph, Adv.  
Mr. Risvi Muhammed, Adv.  
Mr. Rishabh Agarwal, Adv.  
Mr. Sachin Patil, AOR

For Respondent(s) : Mr. Varad Kilor, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. The Civil Appeal is disposed of in terms of the signed order.
3. Pending applications, if any, also stand disposed of.

(INDU MARWAH)  
AR-cum-PS  
(signed order is placed on the file)

(NIDHI WASON)  
COURT MASTER (NSH)