

**1 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

**Gwalior, Dated:16/03/2021**

**Through Video Conferencing**

Shri Girish Prakash Kekre, Counsel for the Petitioner.

Shri K.N. Gupta, Senior Advocate with Shri Rinku Shakya,  
Counsel for the respondents.

With the consent of the parties, heard Finally.

1. This petition under Article 226 of the Constitution of India has been filed against notice dated 4-9-2020 issued by respondent no.1, by which the petitioner has been called upon to show cause as to why his appointment be not declared as void ab-initio and why the proposed penalty of dismissal from service be not imposed and why gratuity and pensionary benefits should not be forfeited since, the petitioner has obtained his appointment on the basis of forged caste certificate which amounts to offence involving moral turpitude.

2. It is the case of the petitioner that the petitioner was issued a caste certificate to the effect that the petitioner belongs to Manjhi Caste and accordingly, the petitioner was appointed on 13-3-1981 against the post reserved for Scheduled Tribe category and at present he is working on the post of Assistant Administrative Officer under the respondent no.1.

3. It is alleged that the respondents started disciplinary enquiry against the petitioner on the charges that the caste certificate

**2 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

submitted by the petitioner at the time of appointment in the year 1981 is forged. The disciplinary enquiry was initiated after 37 years of service of the petitioner and the petitioner has only 3 months of service remaining for his retirement. The charges leveled against the petitioner were denied. Thereafter, the enquiry officer, submitted his enquiry report dated 26-6-2020, thereby exonerating the petitioner from the charges and it was held that the charge leveled against the petitioner is not proved.

4. However, the respondent no.1 did not accept the enquiry report, and issued the impugned notice dated 4-9-2020, thereby requiring the petitioner to show cause as to why the penalty of dismissal from service be not imposed and why his gratuity and pensionary benefits be not forfeited.

5. It is the case of the petitioner that the State Govt. has issued a circular dated 27-7-2017, by which it has been clarified that in the year 1996, there was no provision for making application for issuance of Caste Certificate and there was no format of the same. Even the record was not maintained in the office of the issuing authority. It was further mentioned that once, the caste certificate is issued, then it would be valid for all departments, and the same cannot be said to be a forged document, merely because it does not contain the endorsement of the office of Collector.

**3 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

6. By another circular dated 1-1-2018, it was clarified that the persons who belong to Dhimar, Kewat, Kahar, Bhoi, Mallah etc and are having the Caste Certificate of Manjhi and have got appointment on the basis of said Caste Certificate, prior to 11-11-2005, shall be entitled to enjoy the benefits of the Caste Certificate. Circular dated 21-3-2013 has also been issued, mentioning thereby that the people who have already derived benefit of Manjhi Caste Certificate, *status quo* in respect of the same be maintained.

7. It is submitted that High Power Caste Scrutiny Committee has been constituted in the light of the judgment passed by the Supreme Court in the case of **Madhuri Patil Vs. Add. Commissioner**, reported in **AIR 1995 SC 94**, and therefore, the validity of a Caste Certificate can only be looked into by the High Power Caste Scrutiny Committee and the matter relating to caste certificate of the petitioner is already pending before the High Power Caste Scrutiny Committee, therefore, the action of the respondent no.1 in issuing a show cause notice to the petitioner is bad in law.

8. *Per contra*, the respondents have filed their return. It is their case that in pursuance of advertisement for the post of Peon, the petitioner submitted his application on 6-10-1980 along with a Caste Certificate. Since, the said Caste Certificate was not in proper format,

**4 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

therefore, the format of Caste Certificate was sent by the respondents to the petitioner, who thereafter, submitted his Caste Certificate in the proper format on 26-11-1980 and accordingly, the petitioner was called for interview along with all his documents including the Caste Certificate. The Petitioner appeared in the interview and submitted his Caste Certificate which was issued by P.V. Namjoshi, A.C.J.M., Gwalior. As the petitioner was declared successful in the interview, therefore, he was given appointment on the post of Peon by order dated 13-3-1981.

9. One complaint in the letter head of all India SC/ST and Buddhist, LIC Employees Welfare Association, Central Zone, Unit Bhopal was made to A.D.G.P. (Complaint), Police Headquarter, alleging *interalia* that various persons are serving in the department on the basis of forged caste certificates.

10. Accordingly, the Divisional Office of respondent no.1 forwarded the complaint to the respondent no.2 by its letter dated 27-10-2015. Shri Manoj Prabhakar was appointed by the Senior Divisional Office to look into the allegations and to take up further proceedings in the matter. Accordingly, Shri Manoj Prabhakar issued letter dated 30-11-2015, directing him to produce his Caste Certificate.

11. Similarly, on 27-1-2016, Manager (P&IR), Gwalior Division,

**5 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

wrote a letter to the District and Sessions Judge, Gwalior, thereby requesting him to submit the information regarding the caste certificate issued by Shri P.V. Namjoshi, the then Addl. C.J.M., Gwalior. The office of District and Sessions Judge, Gwalior by its letter dated 5-2-2016 expressed its inability to provide requisite information for want of record as there was no entry in the office record.

12. Accordingly, Manoj Prabhakar submitted his report to the respondent no.2 on 24-2-2016, indicating that there is no proof, that Shri P.V. Namjoshi, the then Addl. C.J.M., Gwalior, had ever issued any Caste Certificate in favour of the petitioner. Thereafter, another letter was written by Manoj Prabhakar to S.D.O., Gwalior, who in his turn informed that the Caste Certificate was issued by Shri P.V. Namjoshi, the then Addl. C.J.M., Gwalior which was countersigned by the then Executive Magistrate.

13. Thereafter, the Manager (P&IR) requested the office of District and Sessions Judge, Gwalior to verify the Caste Certificate which was purportedly issued by Shri P.V. Namjoshi, the then A.C.J.M. with his official seal. The office of District and Sessions Judge, Gwalior in its turn by letter dated 9-5-2016, informed that there is no proof of issuance of any Caste Certificate by the then Addl. C.J.M., therefore, it was observed that it is not possible to say that in what capacity, the

**6 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

caste certificate was issued.

14. Thereafter, the office of Tahsildar by its reply dated 31-8-2016, also denied the issuance of caste certificate in favour of the petitioner. Accordingly, it was decided to give one more opportunity to the petitioner to submit his caste certificate and accordingly, by letter dated 28-3-2018, the petitioner was called upon to submit his caste certificate, failing which action as per circular dated 3-1-2014 would be taken.

15. The petitioner in reply submitted that 3 months more time may be granted for submitting the caste certificate, and accordingly, three months additional time was granted by letter dated 18-9-2018 with a specific direction to produce the caste certificate by 25-9-2018. Thereafter, a reply was submitted by the Petitioner, alleging that he has already submitted his caste certificate at the time of appointment, which is a valid document and requested not to take action any further. The copy of reply dated 24-9-2018 has been placed on record as Annexure R/19.

16. Accordingly, the Zonal Office i.e., competent authority decided to issue a charge sheet and accordingly, charge sheet dated 5-10-2019 was issued to the petitioner. The petitioner filed his reply denying the allegations.

17. The enquiry officer was appointed who after recording

**7 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

evidence, submitted his enquiry report with a finding, that the charges leveled against the petitioner are not proved. The said enquiry report dated 26-6-2020 was not accepted by the Disciplinary Authority and accordingly the impugned show cause notice dated 4-9-2020 has been issued calling upon the petitioner to explain as to why his appointment be not declared as void *ab-initio* and why a penalty of dismissal be not imposed and why his gratuity and other pensionary benefits be not forfeited.

18. It is submitted that it is a case of forged Caste Certificate. It is not the case of the respondents, that the Caste Certificate was wrongly issued in favour of the petitioner. It is submitted that under the facts and circumstances of the case, the matter is not required to be looked into by the High Power Caste Scrutiny Committee, and the respondents are well within their powers to initiate departmental enquiry and to inflict penalty.

19. Challenging the impugned show cause notice dated 4-9-2020, it is submitted by the Counsel for the petitioner, that since, Caste Certificate was issued by competent authority, therefore, only the High Power Caste Scrutiny Committee has jurisdiction to adjudicate the authenticity of the caste certificate and it cannot be done by the respondents by holding a departmental enquiry.

20. *Per contra*, it is submitted by the Counsel for the respondents,

**8 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

that since, no Caste Certificate was ever issued in favour of the petitioner, and the petitioner had obtained appointment on the basis of forged caste certificate, therefore, the respondents are well within their rights to conduct a departmental enquiry.

21. Heard the learned Counsel for the parties.

22. It is not out of place to mention here, that this Court by order dated 1-10-2020, had directed that no final order shall be passed. It appears that accordingly, the petitioner has retired from service w.e.f. 31-12-2020.

23. The moot question for determination in the present case is that whether the caste certificate submitted by the petitioner at the time of his appointment was forged caste certificate or it was issued by competent authority?

24. The petitioner has filed a copy of the caste certificate (Annexure P/3), which was submitted by him along with his application for appointment on the post of Peon which reads as under:

जाति प्रमाण पत्र

प्रमाणित किया जाता है कि भरत सिंह बाथम पुत्र श्री बाबूलाल बाथम निवासी कृष्ण पुरी मुरार के होकर मांझी जाति के सदस्य है जो मध्य प्रदेश की अनुसूचित जनजाति में सम्मिलित है।

अध्यक्ष

भारतीय कश्यप समाज

टिप्पणी:— संशोधन अधिनियम क्रमांक 108 सन् 1976 की धारा 2 द्वारा प्रथम



**9 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

अनुसूची का संशोधन किया गया एवं धारा 4 द्वारा द्वितीय अनुसूची का संशोधन किया गया। पूर्व में अनुसूचित जाति की सूची जिलों के अनुसार थी जिसमें एक ही व्यक्ति एक जिले में अनुसूचित जाति का एवं पड़ोसी जिले में अनुसूचित जाति का नहीं अब इस संशोधन से उक्त विधि में कमी पूर्ति की गई है।

भारत के राजपत्र (असाधारण) भाग दो खंड एक दिनांक 20 सितम्बर 1976 के पृष्ठ 1371.1396 पर प्रकाशित यह संशोधन केंद्र शासन द्वारा राजकीय गजट में अधिसूचना द्वारा नियत तारीख को लागू किया गया संशोधन अधिनियम पर राष्ट्रपति की स्वीकृति दिनांक 18 सितंबर 1976 को प्राप्त हुई है।

अनुविभागीय अधिकारी ग्वालियर

25. It is the case of the petitioner, that although the Caste Certificate was issued by President, Bhartiya Kashyap Samaj, but it was countersigned by the S.D.O., Gwalior.

26. It is the case of the respondents, that since, the above mentioned caste certificate was not in accordance with the format, therefore, the petitioner was directed to submit the caste certificate in the proper format, and accordingly, the following Caste Certificate (Annexure R/4) was submitted by the petitioner :

**Form of Certificate to be produced by a candidate belonging to a Scheduled Caste or Scheduled Tribe in support of his claim.**

**Form of Caste Certificate**

This is to certify that Shri Bharat Singh son of Baboolal, of town Krishnapuri in District Morar (Gwl) of the State Madhya Pradesh belongs to the Manjhi Tribe which is recognised as a Scheduled Tribe under the Scheduled Castes and Scheduled Tribes.

(Lists) Modification Order, 1956, read with the Bombay Reorganisation Act, 1960 and the Punjab Reorganization Act, 1966 the Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956 the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.

The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962

The Constitution (Pondicherry) Scheduled Castes Order, 1964

**10 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

The Constitution (Scheduled Tribes Utter Pradesh) Order, 1967  
The Constitution (Goa, Daman and Diu) Scheduled Castes Order,  
1968

The Constitution (Nagaland) Scheduled Tribes Order, 1970.

2. Shri Bharat Singh S/o Baboolal and his family ordinarily resides in town Krishnapuri, Morar Gwl District Gwalior (M.P.) of the State Madhya Pradesh

Countersigned by me  
22-1-1981

Signature...Illegible..dated 22-1-81.....  
Designation with seal **P.V. Namjoshi**  
of the office **Add. C.J.M., Gwalior**

Place

State

27. Thus, it is clear from the above mentioned Caste Certificate submitted by the petitioner, the said Caste Certificate was issued by Shri P.V. Namjoshi, the then C.J.M., Gwalior and was countersigned by S.D.O., Gwalior.

28. The Regional Manager (P&IR) by his letter dated 20-11-2020, had sought opinion of Shri P.V. Namjoshi with regard to the fact as to whether he had issued the Caste Certificate or not, then in reply it was stated by Shri P.V. Namjoshi, that *prima facie*, the said certificate does not bear his signatures. Further, it was mentioned by Shri P.V. Namjoshi, that he always write the date in Hindi, accordingly, the so-called certificate is a suspicious document.

29. The so-called caste certificate was issued on 22-1-1981 by Shri P.V. Namjoshi, the then Addl. C.J.M., Gwalior. The petitioner himself has filed a copy of circular dated 27-7-2017 in which the details of

**11 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

the authorities who were competent to issue caste certificates have been given. The relevant portion of circular dated 27-7-2017 reads as under :

2. पार्श्व मे अंकित संदर्भो मे सामान्य प्रशासन विभाग के ज्ञापन दिनांक 8.1.1962 द्वारा राजपत्रित अधिकारी, तहसीलदार या फारेस्ट रेजर द्वारा जारी जाति प्रमाण पत्र स्वीकार करने के निर्देश दिये गये थे। परिपत्र दिनांक 10.4.1975 के द्वारा माननीय मंत्रीगणों द्वारा दिया गया जाति प्रमाण पत्र भी स्वीकार किये जाने के निर्देश जारी किये गये थे।.....

30. Thus, from the above mentioned circular dated 27-7-2017, it is clear that only Gazetted Officer, Tahsildar or Forest Rangers were competent to issue Caste Certificate, and thereafter, the Ministers were also authorized to issue caste certificate. However, in the present case, Shri P.V. Namjoshi has disowned the caste certificate which was relied upon by the petitioner at the time of his appointment. Further, Shri P.V. Namjoshi was the then Addl. Chief Judicial Magistrate, Gwalior, and the Counsel for the petitioner has not placed any document on record to suggest that judicial officers were also competent to issue caste certificate. Issuance of caste certificate is purely an executive function and has nothing to do with the judicial functions of the Judicial Officers. So far as the Judicial Officer is concerned, the counsel for the petitioner has not placed any document on record to show that any executive function was assigned to them by the State Government. Although a Judicial

**12 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

Officer is also a Gazetted Officer, but in absence of any jurisdiction to perform any executive work, he is expected to perform his judicial work only. A Judicial Officer after recording the evidence, can adjudicate the disputed questions of facts, but in absence of any executive powers, he cannot issue a certificate to the effect that the aspirant belongs to Scheduled Caste or Scheduled Tribe or any other reserved category. Under these circumstances, this Court is of the considered opinion that even otherwise, in absence of any authorization by the State Government to perform any executive work, the caste certificate could not have been issued by the then Addl. CJM. It is submitted by Shri Girish Kekre, Counsel for the petitioner, that in fact Shri P.V. Namjoshi had never issued any Caste Certificate, but he had merely countersigned the same in the light of the caste certificate which was initially submitted by the petitioner, and has been filed as Annexure P/3 (the said caste certificate has already been reproduced in para 24 of this Judgment).

31. This submission made by the Counsel for the petitioner is misconceived and is hereby rejected. It is not the case of the petitioner, that Shri P.V. Namjoshi, the then Addl. C.J.M., Gwalior, had attested the Caste Certificate. The petitioner has failed to prove that the Addl. Chief Judicial Magistrate was competent to issue or countersign any caste certificate. Further, it is incorrect to suggest

**13 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

that the caste certificate was countersigned by Shri P.V. Namjoshi. The so-called signatures of P.V. Namjoshi are as an authority issuing caste certificate with name and seal of the authority. Further, there is one more signature on the right side of the caste certificate which appears to be countersignature. It is really beyond understanding that how the caste certificate can be issued by countersignature of S.D.O.?

32. Further, Shri P.V. Namjoshi, has also disowned his signatures on caste certificate dated 22-1-1981. Thus, it is held that not only the Addl. Chief Judicial Magistrate had no authority to issue the Caste Certificate, but even Shri P.V. Namjoshi has disowned his signatures on the caste certificate dated 22-1-1981. Accordingly it is held that the caste certificate dated 22-1-1981 which was submitted by the petitioner at the time of his appointment was a forged document.

33. So far as the Caste Certificate (Annexure P/3) which was submitted by the petitioner along with his application for his appointment on the post of Peon is concerned, it is not out of place to mention here that the said so-called Caste Certificate was purportedly issued by the President, Bhartiya Kashyap Samaj, Gwalior. The petitioner has already filed the circular dated 27-7-2017 and in the light of said circular, it is clear that President, Bhartiya Kashyap Samaj, Gwalior had no authority whatsoever to issue such a caste

**14 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

certificate. It is submitted by the Counsel for the petitioner, that since, the said caste certificate was countersigned by the S.D.O., Gwalior, therefore, it was a genuine caste certificate.

34. Considered the submissions made by the Counsel for the petitioner.

35. Countersignature means to add one's signature to a document already signed by another, for authentication or confirmation, or to sign in response to another sign. Order 28 Rule 1 (3) CPC provides, that Countersignature shall be sufficient proof that the document was duly executed. Thus, it is clear that countersignature means that the person countersigning has authenticated that the document was duly executed by the executor or the authority countersigning has signed in response to another signature.

36. Thus, it is clear that the unless and until, it is proved that the person who had executed/issued the Caste Certificate was competent to execute the same, the countersignature by any other person would not make the said Caste Certificate an authentic one. Further, even the authority countersigning the Caste Certificate should be competent to countersign the said Caste Certificate.

37. If the Caste Certificate (Annexure P/3) which was filed by the petitioner along with his application for appointment is considered, then it is clear that it was issued by President, Bhartiya Kashyap

**15 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

Samaj, Gwalior. It is not the case of the petitioner, that President, Bhartiya Kashyap Samaj, Gwalior was competent to issue Caste Certificate. Further, this document does not bear any date. The Countersignature of this document by S.D.O., Gwalior would not make this document genuine because it was never issued by S.D.O., Gwalior. Why, the petitioner did not obtain the Caste Certificate from S.D.O., Gwalior or competent authority as mentioned in Circular dated 27-7-2017? At the cost of repetition, it is once again clarified that according to this circular, from 10-4-1975, only Gazetted Officer, Tahsildar, Forest Ranger and Ministers were competent to issue Caste Certificate. Since, the petitioner got appointment in the year 1981, therefore, it is clear that the President, Bhartiya Kashyap Samaj, Gwalior was not competent to issue any Caste Certificate.

38. Further, there is nothing on record to suggest the authenticity of the Countersignature of so-called S.D.O., Gwalior.

39. Thus, it is clear that both the Caste Certificates, Annexure P/3 and Annexure R/4, were forged documents and were never issued by any competent authority.

40. Now the question for determination is that whether even a forged Caste Certificate is to be placed before High Power Caste Scrutiny Committee or not?

**16 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

41. The Supreme Court in the case of **Madhuri Patil (Supra)** has held as under :

**13.** The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who falsely gained entry resort to dilatory tactics and create hurdles in completion of the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate. It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

*1.* The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.

*2.* The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.



**17 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer higher in rank of the Director of the department concerned, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal

**18 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be “not genuine” or ‘doubtful’ or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Additional Secretary as Chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-à-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

**19 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

8. Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.

9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.

10. In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.

11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.

12. No suit or other proceedings before any other authority should lie.

13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under

**20 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

Article 136.

*14.* In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.

*15.* As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further study or continue in office in a post.

42. From the plain reading of above judgment, it is clear that whether a Caste Certificate is a false certificate or not is to be scrutinized by the High Power Caste Scrutiny Committee. There is a difference between false Caste Certificate and forged Caste Certificate. Forgery has been defined under Section 463 of I.P.C. which reads as under :

**463. Forgery.**—Whoever makes any false documents or false electronic record or part of a document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any

**21 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

43. Section 464 of I.P.C. reads as under :

**464. Making a false document.**—A person is said to make a false document or false electronic record—

*First.*—Who dishonestly or fraudulently—

(a) makes, signs, seals or executes a document or part of a document;

(b) makes or transmits any electronic record or part of any electronic record;

(c) affixes any electronic signature on any electronic record;

(d) makes any mark denoting the execution of a document or the authenticity of the electronic signature,

with the intention of causing it to be believed that such document or part of a document, electronic record or electronic signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or

*Secondly.*—Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with electronic signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

*Thirdly.*—Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his electronic signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him,

**22 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

he does not know the contents of the document or electronic record or the nature of the alteration.

44. Section 182 of I.P.C. reads as under :

**182. False information, with intent to cause public servant to use his lawful power to the injury of another person.**—Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

45. There is a difference between false certificate and forged certificate. False certificate would mean, that by misrepresenting or by giving false information to the competent authority, the aspirant has obtained a certificate from a competent authority, but the same is based on false evidence or information. Whereas the forged certificate would necessarily mean, that it was never issued by any competent authority, but it was created by the aspirant himself, with a sole intention to use the same as a genuine certificate.

46. Thus, it is clear that where the caste certificate was never issued by any competent authority, then there is no question of

**23 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

verification of the same. Only a caste certificate issued by a competent authority is required to be verified by the High Power Caste Scrutiny Committee. Thus, a forged caste certificate which was never issued by any competent authority is not required to be placed before the High Power Caste Scrutiny Committee. Although the petitioner has claimed in his writ petition, that the matter with regard to the verification of his caste certificate is pending before the High Power Caste Scrutiny Committee, but has not placed any document in support of his contention. During the course of arguments, it was submitted by Shri Kekre, that the complainant had approached the High Power Caste Scrutiny Committee in the year 2015 and the matter is pending before the Committee for the last more than 5 years, but in absence of any document in this regard, this Court cannot rely upon a bald statement made by the petitioner in his writ petition.

47. In view of the above mentioned findings that the caste certificates relied upon by the petitioner are forged caste certificates and were never issued by the competent authorities, this Court is of the considered opinion, that the bar as contained in para 13.12 of judgment passed by the Supreme Court in the case of **Madhuri Patil (Supra)** would not apply and the respondents are well within their rights to proceed departmentally against the petitioner.

**24 THE HIGH COURT OF MADHYA PRADESH**  
**Writ Petition No.14571/2020**  
**Bharat Singh Batham Vs. Life Insurance Corporation of India**  
**and others**

48. It is the case of the petitioner, that he has retired from service w.e.f. 31-12-2020.

49. This Court by interim order dated 1-10-2020, had restrained the respondents from passing any final order in the matter, accordingly, it is directed that merely because the petitioner has retired from service during the pendency of this petition would not have any effect on the departmental proceedings.

Accordingly, this petition is **Dismissed** with cost of **Rs. 25,000/- (Rs. Twenty Five Thousand Only)** to be deposited by the petitioner, in the Registry of this Court, within a period of 45 days from today. In case if the cost is not deposited, then the petitioner shall be liable to be prosecuted for Contempt of Court. Accordingly, it is directed that if the petitioner fails to deposit the cost within the stipulated period, then the Principal Registrar, shall register a *suo moto* contempt proceedings against the petitioner.

**(G.S. Ahluwalia)**  
**Judge**

**Arun\***