

**HIGH COURT OF MADHYA PRADESH: JABALPUR****(Single Bench: Hon'ble Shri Justice Huluvadi G. Ramesh)****MCRC No. 5463 of 2018****Sanjay Puravia**

.....Petitioner

Versus

**State of Madhya Pradesh**

.....Respondent

**APPEARANCE:**

Shri S.K. Tiwari, Advocate for the petitioner.

Shri Alok Tapikar, Government Advocate for the respondent-State.

**Whether Approved for Reporting: Yes****Law Laid Down:**

- Once the caste certificate of the petitioner which was submitted by him in the year 1993 has been accepted then, in similar circumstances, certificate which was prepared in the year 1998 cannot be held to be fabricated and manipulated. For non-compliance of the procedure prescribed in terms of the judgment of the Supreme Court in *(1994) 6 SCC 241 (Kumari Madhuri Patil v. Additional Commissioner, Tribal Development)* which has been followed in *(2012) 1 SCC 113 (Anand v. Committee for Scrutiny and Verification of Tribe Claims)*, the impugned proceedings against the petitioner are quashed.

**Significant Paragraphs:** 3,4 and 5**ORDER (Oral)**  
**(03.04.2019)**

The present petition has been filed by the petitioner challenging the charge-sheet dated 8.11.2017 as contained in Annexure P-8 whereby charges have been framed against the petitioner for the offence punishable under Sections 420, 467, 468, 471 and 120-B of IPC. The petitioner has also

challenged the consequent proceedings of Sessions Trial No.768/2017 pending before the Court of Sessions.

2. On the allegation that caste certificate submitted by the petitioner is manipulated and fabricated, a charge-sheet is said to have been filed against the petitioner, as aforesaid.

3. Learned counsel for petitioner submits that during the course of inquiry the matter was referred to the High Power Committee and the caste certificate of the petitioner which was issued in the year 1998 has been cancelled and a criminal case has been registered against the petitioner on the ground that the said certificate is false and fabricated. Learned counsel submits the State Government has issued a Notification that caste certificates issued prior to 1996 are to be treated as valid for all purposes and accordingly, the caste certificate issued to the petitioner in the year 1993 was to be examined and that has not been found to be false and fabricated and rather that has been accepted. In this context, he has invited the attention of this Court to documents contained in Annexure P-12, P-13, P-14 and Annexures P-18 and P-19. Learned counsel further submits that when the petitioner appeared before the Committee, the Committee on scrutiny again opined in para 3 of document Annexure P-17 that report of police does not specifically give any opinion whether the caste certificate obtained by the petitioner is forged or not. He submits that law has been settled on this issue that the matter with regard to veracity of castes certificates is to be examined in view of the procedure prescribed in the judgment of the Supreme Court reported in *(1994) 6 SCC 241 (Kumari Madhuri Patil and another v. Additional Commissioner, Tribal Development and others)*, which has also been relied upon by the Supreme Court in its decision reported in *(2012) 1*

*SCC 113 (Anand v. Committee for Scrutiny and Verification of Tribe Claims and others)* but the committee without applying its mind and without following the process and procedure as laid down in the aforesaid judgments has cancelled the caste certificate of the petitioner and criminal proceedings have been set in motion against the petitioner.

4. Once the caste certificate of the petitioner which was submitted by him in the year 1993 for the purposes of taking admission in Engineering College, Jabalpur has been accepted then, in similar circumstances, certificate which was prepared in the year 1998 i.e. on 16.09.1998 cannot be held to be fabricated and manipulated.

5. In view of the said fact, the proceedings initiated against the petitioner would be abuse of the process of law and accordingly for non-compliance of the procedure prescribed under the decision of the Supreme Court in **Madhuri Patil's case (supra)**, the impugned proceedings and case pending against the petitioner are quashed.

6. Resultantly, the petition stands **allowed**.

**(HULUVADI G. RAMESH)**  
Judge

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