

**HIGH COURT OF JUDICATURE AT ALLAHABAD****ELECTION PETITION No. - 6 of 2022**

Radha Charan

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: In Person, Ram Kumar Gautam, Radha Charan
Counsel for Respondent(s)	: Ashutosh Mishra, Dinesh Yadav, K.R. Singh, Mohd Rehan Ansari, P.K. Kashyap, Pradeep Kumar

Court No. - 4**HON'BLE NEERAJ TIWARI, J.****A.F.R.****Reserved on : 14.05.2026****Delivered on : 06.07.2026**

1. Heard Sri Ram Kumar Gautam, learned counsel for petitioner, learned Standing Counsel for respondent no.1 and Sri P.K. Kashyap, learned counsel for respondent no. 2.

2. Present election petition has been filed seeking following relief:-

“I) to declaration and election of the respondent No. 3 Vinay Prakash Gond as a Member of Legislative Assembly U.P. from 335 Ram Kola legislative assembly constituency of District Kushinagar to be set aside and be declared as null and void.

II) To grant such other relief as this Hon'ble Court may deem fit and proper under the facts and circumstances of the existing in the present case.”

3. Brief facts of the case are that Election Commission of India, New Delhi (hereinafter referred as 'ECI') vide Notification dated 04.02.2022 declared election for U.P. Legislative Assembly-2022 under Section 30 of Representation of Peoples Act, 1951 (hereinafter referred as 'Act, 1951').

4. Present election dispute pertains to 335 Ram Kola Assembly Constituency reserved for Schedule Caste candidates. The date of nomination form was from 05.02.2022 to 11.02.2022, date of scrutiny of nomination form was from 12.02.2022 to 14.02.2022, dates for

withdrawal of nomination form was from 16.02.2022 to 17.02.2022, date of polling was 03.03.2022, date of counting of votes was 10.03.2022 and the date of completion of election was 20.03.2022. Many candidates have filed nomination papers and petitioner was also one of them along with Vinay Prakash Gond (returned candidate), respondent no. 2.

5. Case of the petitioner is that Vinay Prakash Gond (returned candidate) belongs to Backward Class whereas obtaining Schedule Caste Certificate dated 30.08.2012 (in short 'SC Certificate') fraudulently and filed nomination papers for the said election relying upon that SC Certificate. Against that, petitioner has immediately filed complaint before the Returning Officer on 14.02.2022 with a prayer to cancel the nomination on the ground of false caste certificate, but the said complaint was rejected by the Returning Officer. Ultimately, election was held on 03.03.2022 in which Vinay Prakash Gond was declared returned candidate i.e. elected candidate.

6. Against the said election, present election petition has been filed. The sole ground so taken is that returned candidate has obtained SC Certificate fraudulently as he belongs to Other Backward Class (in short 'OBC'). It is undisputed that said certificate is under challenge before the District Level Committee constituted by the State Government and till date, no decision has been taken upon the same. Aforesaid complaint is still pending for final disposal. It is prayed that as returned candidate has obtained SC Certificate fraudulently, therefore, his election as a Member of Legislative Assembly, U.P. from 335 Ram Kola Assembly Constituency has to be set aside and declared null and void.

7. A written submission has also been filed by the opposite party no. 2 (returned candidate) denying the allegation so levelled against him. It is specifically stated in the written submission that in the light of Government Order dated 03.12.1987, the 'Gond Caste' is included in the list of SC and 'Kahar Caste' is included in the list of OBC. Opposite party no. 2 belongs to Gond Caste, therefore, he is entitled for the SC Certificate, which was issued in his favour. It is also stated in the written submission that caste certificate so issued to him was subjected to scrutiny by the District Level Committee, there it was found genuine and duly issued by the said Committee. It is also stated that though the SC C

ertificate issued to opposite party no. 2 is under challenged before the District Level Committee, but till date same has not been cancelled.

8. Present case was heard on so many occasions and an application under Order 7 Rule 11 of CPC was also filed, but the same was rejected vide order dated 29.07.2024. Later on, this Court vide order dated 18.09.2024 has framed issues, which are quoted herein-below:-

“2. In the present election petition following issues have been framed:-

(i) As to whether nomination paper filed by respondent No. 2 was properly accepted by the returning officer or not.

(ii) Whether the Tribunal has jurisdiction to declare that the caste certificate forged or not.

(iii) Whether the caste certificate submitted by the respondent No. 2 in support of his nomination is forged or fake.

(iv) Whether the caste certificate upon which respondent No. 2 has contested the election was valid on the date of election or not.

(v) Whether the election is contested by the respondent No. 2 based upon caste certificate dated 13.03.2018, whereas, in election petition caste certificate dated 30.08.2012 has been annexed which is in question, the consequences thereof.

(vi) Reliefs and costs.”

9. Thereafter, the examination in chief of the witnesses was taken on record as well as their cross examination has also been recorded and concluded on 03.04.2026. In light of undisputed fact that SC Certificate of opposite party no. 2 has never been cancelled by District Level Committee or any other Authority authorized for the same, it is agreed and requested by the parties on 27.04.2026 to decide issue number no. 2 first. Thereafter Court has fixed 14.05.2026 and heard learned counsels for parties on this issue. Issue no. (ii) is reiterated herein-below:-

“(ii) Whether the Tribunal has jurisdiction to declare that the caste certificate forged or not.”

10. Learned counsel for petitioner firmly submitted that in light of Section 36(2)(a) read with Sections 100(1)(a), 100(1)(b), 100(1)(d)(i) and 100(2)(d) of the Representation of People Act, 1950 (hereinafter referred to as ‘Act, 1950’), the Election Tribunal is having enough power to

examine the genuineness of every documents submitted along with nomination papers before the Returning Officer. This also includes the genuineness of the caste certificate even if its genuineness is under challenged before the District Level Committee and pending. In support of his contention, he has placed reliance of the judgment of Madhya Pradesh High Court in the matter of ***Ramlal Kol vs. Moti Kashyap @ Motilal***; AIR 2014 NOC 529 MP and High Court of Bombay in the matter of ***Anandra Vithoba Adsul; Raju Shamrao Mankar; Navneet Kaur Harbhajansingh Kundles @ Navneet Kaur Ravi Rana vs. State of Maharashtra; District Caste Scrutiny Committee; 2021 LawSuit (Bom) 650***.

11. Per contra, Sri P.K. Kashyap, learned counsel for opposite party no.2 (returned candidate) firmly submitted that the State Government has issued Government Order dated 05.01.1996 for issuance of Caste Certificate and further Government Order dated 27.01.2011 for constitution of Divisional Level Committee as well as Government Order dated 28.02.2011 for constitution of District Level Committee to verify or scrutiny the caste certificate. He also pointed out that there is another committee known as State Level Committee in order of hierarchy, whose decision is final. He also pointed out that in case of any doubt or genuineness of the caste certificate, it is required to file complaint before the District Level Committee and in case same is rejected, there is remedy to challenge the same before the Divisional Level Committee. Thereafter State Level Committee is the final authority against the order of Divisional Level Committee. So far as present case is concerned, it is undisputed that as on date, SC Certificate so issued is only under challenged before the District Level Committee and still pending for disposal. So far as Election Tribunal is concerned, it is having no authority to verify the validity of the caste certificate duly issued by the authority competent for the same. In support of his contention, he has placed reliance upon the judgments of Apex Court, this Court as well as other High Courts in the matters of ***Hizwana Bano vs. State of U.P. Thru' Collector and others***; Writ-C No. 69019 of 2010, ***Dayaram vs. Sudhir Batham & Ors***; 2012 (1) SCC 333, ***Navneet Kaur Harbhajansing Kundles @... vs. The State of Maharastra***; Civil Appeal No(s). 2741-2743 of 2024, ***Kumari Madhuri Patil vs. Addl.***

Commissioner; 1994 SCC (6) 241, Vishwanath S/O. Mahadeo Alte and others vs. Dr. Kalge Shivaji Bandappa and other; 2024:BHC-AUG:21373, Jai Prakash Chaurasiya vs. State of U.P. Thru. Prin...; Writ-C No. 8859 of 2022, Tahira Begam vs. State of U.P.; Writ-C No. 1951 of 2023, A. Raja vs. D. Kumar; 2025 INSC 62 G.

12. In the rejoinder argument, Sri R.K. Gautam, learned counsel for petitioner reiterated his earlier contention and submitted that Election Tribunal is having ample power to examine the genuineness of caste certificate and also to declare the same void, if found false.

13. I have considered rival submissions advanced by counsels for parties and perused the records as well as judgments cited above.

14. There is no dispute on the point that there is a self contained mechanism for issuance of caste certificate and further to challenge the same in case of acceptance or rejection, there is forum starting from District Level Committee to Divisional Level Committee and State Level Committee in order of hierarchy.

15. Learned counsel for petitioner has basically relied upon the judgment of **Ramlal Kol (Supra)** and submitted that in light of para 39 of the judgment, genuineness of caste certificate was questioned and the returning officer ought to have verified as to whether such certificate was at all issued. So far as this judgment is concerned, the same is not in the rescue of petitioner only for the reasons that here there is no dispute on the point that caste certificate so questioned has been duly issued by the competent authority, therefore, there is no occasion for Returning Officer to question the same unless it is cancelled or annulled by the authority competent for the same. He has also placed reliance upon the judgment of **Anandra Vithoba Adsul (Supra)**. Against the said order, matter went up to Apex Court in Civil **Appeal No(s). 2741-2743 of 2024; Navneet Kaur Harbhajansing Kundles @ Navneet Kaur Ravi Rana vs. State of Maharashtra and others** and Apex Court has overruled the same. Therefore, same cannot be taken into consideration.

16. I have also perused the Government Order dated 05.01.1996, which clearly provides mechanism for issuance of caste certificate having

Administrative Officers in the Committee. First time this issue came before the Apex Court in the matter of ***Kumari Madhuri Patil (Supra)*** and after considering the issue, Apex Court has framed detailed guidelines in the said case which is quoted below:-

“The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily have 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 concerned Directorate.
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, (1) an Additional or Joint Secretary or any officer higher in rank of the Director of the concerned department, (11) 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 also should 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 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 concerned educational institution 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-a-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.

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 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 concerned educational institution 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 for further study or continue in office in a post.”

17. The Apex Court has held that all State Governments shall constitute a committee of three officers for said purpose and has also held that order passed by the committee shall be final and conclusive only to proceeding under Article 226 of Constitution of India. Apex Court was of the firm view that only committee so constituted is having authority to consider the issuance and correctness of caste certificate. This matter again came up before the Apex Court in the matter of **Dayaram (Supra)** and after considering the judgment of **Kumari Madhuri Patil (Supra)**, Apex Court has elaborated the functions of Scrutiny Committee, which provides for Vigilance Cell, whose report is mandatory and relying upon the report of Vigilance Report, caste certificate may be issued or cancelled.

18. In one of the matter, caste certificate issued by the committee was cancelled by the High Court of Bombay in the matter of **Anandra Vithoba Adsul(Supra)** and the same matter came up before the Apex Court in the matter of **Navneet Kaur (Supra)**, in which Apex Court after considering the facts of the case as well as law has held that High Court inadvertently undertook in exercise of jurisdiction under Article 226 of Constitution of India. Relevant paragraph of the said judgment is quoted below:-

“In view of the aforesaid discussion, we are of the considered opinion that High Court inadvertently undertook an erroneous

exercise of appreciating evidence in exercise of its jurisdiction under Article 226 of Constitution of India and swayed itself into a roving inquiry which was not expected as per settled legal position. At the cost of repetition, we again observe that under Rule 13(2)(a) of 2012 Rules, the adjudication on the basis of the documents falls solely within the domain of Scrutiny Committee based on the inputs received from the Vigilance Cell. The Scrutiny Committee is an expert forum armed with fact finding authority. The High Court ought not to have interfered, especially when Scrutiny Committee had followed the due procedure under Rule 12, 17 and 18 of the 2012 Rules and that there was nothing perverse about a finding of fact.”

19. In the said case, Apex Court has held that Scrutiny Committee is a expert forum armed with the fact finding authority, meaning thereby ratio of law is that decision so taken by the Scrutiny Committee cannot be interfered by the High Court in Election Petition.

20. This issue also came before the Bombay High Court in the matter of **Vishwanath (Supra)**, in which Court has taken same view. Relevant paragraph is quoted below:-

“Considering the law as noted above, it is to be required to be noted that the returned candidate has caste certificate and a caste validity certificate in his favour granted by the quasi judicial authority i.e. by the Caste Scrutiny Committee. The caste certificate and validity certificates were produced before the Returning Officer at the stage of scrutiny. The reasoned order of the Returning Officer rejecting the objections is not annexed with the petition. The election petitioners have produced incomplete documents which were before the Caste Scrutiny Committee on the basis of which they seek declaration that the respondent No. 1 does not belong to Scheduled Caste Category as claimed by him as "Mala Jangam". This Court in absence of pleading of material facts as to how the judgment of the caste validity certificate is obtained by fraud cannot entertain the EP 3 & 6/24 present election petitions as the Caste Scrutiny Committee under the 2000 Act has exclusive jurisdiction to determine the validity of caste certificate granted in favour of the returned candidate. Enquiry cannot be conducted in the status of the returned candidate and he be declared as not belonging to "Mala Jangam" community scheduled caste as the returned candidate has a caste validity certificate in his favour by the Caste Scrutiny Committee which has exclusive jurisdiction to grant caste validity certificate. ”

21. The same issue was also came before this Court in the matter of **Hizwana Bano (Supra)** and Court while considering the the judgment of **Kumari Madhuri Patil (Supra)** has reiterated that it is upon the Scrutiny Committee to validate or invalidate the caste certificate. Relevant

paragraphs of the said judgment are quoted below:-

“In Kumari Madhuri Patil (supra), the relevant directions of the Supreme Court are contained in direction nos. 4 to 9. In other words, the caste certificate issued in terms of direction no. (1) to be valid, can only be verified by the Committee and not by the Revenue Officers, like Sub-Divisional Officers, Deputy Collector or Deputy Commissioner, in the present case, the respondent no. 2. The respondent no. 2, for the purpose of granting a caste certificate, has to consider what has been set out in para 3 of the Government Order, which is in consonance with the direction no. 2 of the directions issued by the Supreme Court in Kumari Madhuri Patil (supra). It is only in the event, the respondent no. 2 is satisfied, based on the material produced before him that the applicant belongs to the caste / tribe, then only the certificate would be verified. Once that be the procedure, it is not open to the respondent no. 2 to assume jurisdiction to cancel the caste certificate except may be in a case of fraud on the face of the record, as fraud vitiates all actions. Respondent no. 2, therefore, ordinarily would have no jurisdiction to reconsider the issuance of the caste certificate and pass orders cancelling the certificate or otherwise.

When a complainant contends that a caste certificate was wrongly issued or obtained by suppressing facts or the like, then in that event, it would be open to the complainant, even if the complainant is a stranger as long as his rights are affected, to move the Caste Scrutiny Committee, to verify the caste certificate by setting out the reasons and objections as to why the caste certificate should not be verified. Para 3 of the Government Order would show that verification is not only with regard to admission in any educational institution or appointment in any service but also for other reasons. Therefore, whenever a person seeks to rely on a caste certificate for claiming any benefits, he would be entitled to, then in that event, if a complainant intervenes to oppose the verification of such caste certificate or independently applies before the Caste Scrutiny Committee, the procedure for verification shall be followed and necessary orders shall be passed by the Committee after following due procedure.

We may further point out that even if a caste certificate is verified, it does not prevent an aggrieved person from challenging the validity of the caste certificate before this Court, even if he had not complained earlier, as long as he is an aggrieved person and there is material to show that the verification was obtained by suppressing facts or material or by playing fraud on the Committee or the like.

If the issue is now considered in the light of the above discussions, it would be clear that the respondent no. 2 would cease to have jurisdiction, once the caste certificate was issued. The Tehsildar in these circumstances would have no authority to recall or cancel the same, except may be in a case of fraud. Respondent no. 2, however, would have the power to correct

clerical or artificial mistakes. The jurisdiction to verify the caste certificate and whether it should be validated or invalidated is of the Caste Scrutiny Committee.

Clearly, therefore, the prayer sought for by the petitioner to direct the respondent no. 2 to decide the complaint, in our opinion, cannot be granted in the absence of jurisdiction vested in respondent no. 2. It is, however, open to the petitioner to move the Competent Authority, i.e. Caste Scrutiny Committee to dispute the validity of the caste certificate issued in favour of respondent no. 3, if not already verified. The Committee can then consider the issue. What happens if the Committee fails to validate the caste certificate, is not required to be answered in the present petition as there is nothing on record to show that the petitioner has filed an election petition challenging the election of respondent no. 3.”

22. Again, in the matter of ***Jai Prakash Chaurasiya (Supra)*** this Court was of the same view that District Level Committee and Divisional Level Committee have been constituted to look into the validity of the caste certificate. Relevant paragraphs are quoted below:-

“9. The Supreme Court has also dealt with in paras 11 and 12 of the said judgment that the orders passed by Scrutiny Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution and that no suit or other proceedings before any other authority should lie.

10. Though in the case of Kumari Madhuri Patil (supra) was confined only for admissions but the same law has been held to be good in election matters. The State Government has issued Government Orders dated 5.1.1996 and 27.1.2011 where the District Level Committee and Divisional Level Committees have been constituted to look into validity of the caste-certificates of the candidates.

11. In light of the judgment of Supreme Court this Court is of the considered view that adjudication with regard to the case of the returned candidate should have been looked into only by the Scrutiny Committee constituted by the State Government. It is also admitted by the parties that the appeal has been preferred against cancellation of the caste-certificate of respondent No.3 which is pending before the Commissioner and the hearing of the appeal has been deferred till such time as the appellate proceeding are finalized.

12. This Court is of the considered view that law in this regard has been correctly interpreted and applied by the Sub Divisional Magistrate, Raniganj and there is no infirmity in the same and the writ petition is liable to be dismissed.”

23. After clarification by this Court, it is apparently clear that guidelines so issued by the Apex Court in the matter of ***Kumari Madhuri Patil***

(Supra) for admission in educational institution shall also be applicable in election matters meaning thereby the only committee so constituted by the State Government shall have authority to issue or cancel the caste certificate and it is beyond the competence of Court except under Article 226 of Constitution of India after final decisional taken by the State Level Scrutiny Committee. Now this fact is very much clear that Election Tribunal is having no authority to verify the correctness of Caste Certificate and it is only for the committees so constituted by the State Government by different Government Orders.

24. The validity of caste certificate in the election of Kerala Legislative Assembly came before the Apex Court in the matter of **A. Raja (Supra)** and while considering in detail, Apex Court has given its finding. Relevant paragraph is being quoted below:-

“64. We deem it appropriate to clarify the position in the wake of the present Judgment. A duly issued Caste/Community Certificate would be amenable to challenge only under the provisions of the statute concerned, and not in an Election Petition. In case no statute governing the field in a State/Union Territory is operative, the Madhuri Patil (supra) guidelines, as modified in Dayaram (supra), shall be followed.”

25. Once again Apex Court has clarified that caste certificate can not be challenged in election petition and can be challenged under the provisions of statutes and in present case, before the Committee constituted under Government Order.

26. Therefore, in the light of facts mentioned herein above as well as judgments relied upon, now it is crystal clear that Caste Certificate issued by the competent authority neither can be challenged nor it can be scrutinized by the Election Tribunal in Election Petition. In present matter too, there are three Committees i.e. District, Regional and State Level Committee constituted by State Government by different Government Orders for scrutiny of caste certificate, which are only having authority to validate or invalidate caste certificate. Further, Election Tribunal is having no authority to deal with such matters.

27. Therefore, in the light of such facts as well as law discussed herein-above, this Court is of the firm view that election petition lacks merit and is hereby **dismissed**.

28. No order as to costs.

29. Before parting with the judgment, this Court records its appreciation for the sincere assistance extended by Ms. Moksha Pandey and Ms. Pratiksha Tiwari, Research Associates in researching the legal issues involved and assisting in the preparation of this judgment. Their efforts are gratefully acknowledged.

(Neeraj Tiwari,J.)

July 6, 2026
Sartaj