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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10970 OF 2026

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Rupali Kashinath Shigwan @ Rupali Amol ...Petitioner
Jadhav

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Surel Shah, Senior Counsel with Mr. Chintamani Kamlakar Bhangoji with Ms. Mamta Erande and Vishwajit Sharma for the Petitioner.

Mr. C.G. Gavnekar with Mr Rohit Parab for Respondent No.6.

Mr. S.H. Kankal, AGP for the State.

CORAM : R.I. CHAGLA AND
FIRDOSH P. POONIWALLA, JJ.

Reserved on : 10TH SEPTEMBER 2026.

Pronounced on : 5TH OCTOBER 2026

J U D G M E N T :-

Per.:- R. I. CHAGLA, J.

1. By this Writ Petition, the Petitioner is seeking the quashing and setting aside of the impugned Order dated 10th August 2026, passed by the Respondent No. 2, District Caste Certificate Scrutiny Committee, Raigad, District Raigad ("Scrutiny Committee"), with further direction to Respondent No. 2 - Scrutiny Committee to issue a Certificate of Validity in relation to the Caste Certificate dated

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8th July 2016 issued to the Petitioner by the Respondent No. 5 - Sub-Divisional Officer, Mahad, District Raigad ("Competent Authority"), as belonging to "Kunbi", Other Backward Class ("OBC"). A further prayer sought is for quashing and setting aside of the Order dated 18th August 2026, passed by Respondent No. 3 - Collector, Raigad, disqualifying the Petitioner from the post of Councillor of the Respondent No.4 - Municipal Council.

2. The Petitioner had been granted a caste certificate by Respondent No.5 – Competent Authority certifying that she belongs to "Kunbi, OBC" on 8th July 2016.

3. The Petitioner made an application to the Respondent No. 2 - Scrutiny Committee for verification of her caste certificate. The Petitioner had, along with the application, submitted the School Leaving Certificate of her father from Zilla Parishad Primary School, Pen, showing his caste as "Kunbi". The Petitioner had also produced Form 14 of one Suryakant Tukaram Madhu Shigwan, whose caste was shown as "Kunbi", stating that he is related to the Petitioner as paternal uncle (father's cousin brother). Further, Form 14 of Pandurang Narayan Rama Shigwan was also produced, claiming that he is the Petitioner's grandfather, showing his caste as "Kunbi" dated

27th February 1932.

4. The election of Respondent No. 4 - Municipal Council was held, and results were declared on 21st December 2025, in which the Petitioner was declared to be the elected candidate as Councillor from Ward No.8.

5. The Respondent No. 2 - Scrutiny Committee was, at the hearing held on 15th January 2026, not satisfied with the documents produced by the Petitioner and directed the Vigilance Committee to inquire into the school records by addressing a letter to the Headmaster, Zilla Parishad Primary School, Sub-Divisional Officer, Mahad, to furnish the report.

6. The Respondent No. 6 who was declared as defeated in the said election and was complainant in the proceedings before the Respondent No.2 – Scrutiny Committee produced the School Leaving Certificate of the Petitioner's father showing his caste as "Hindu Maratha". Further documents produced were the genealogy of Suryakant Mahadev Shigwan, which showed that Suryakant was the son of Tukaram, who was the son of Mahadu and Mahadu was the son of Bhagoji. There was also a sworn Affidavit of Suryakant

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Tukaram Shigwan produced, wherein he stated that the Petitioner's father borrowed his caste certificate and used it in the genealogy tree filed before the Respondent No. 2 - Scrutiny Committee as he is related to the Petitioner as paternal uncle.

7. The Headmaster, Zilla Parishad Primary High School, Pen, submitted a report to Respondent No. 2 - Scrutiny Committee on 28th January 2026, stating that the entry with regard to the leaving certificate of the Petitioner's father in the register (Name of Student, Birth Place and Birth Date) are matching, and in the caste column, the caste shown is "Hindu Maratha".

8. The Respondent No. 2 - Scrutiny Committee decided on 22nd April 2026 to verify Form 14 submitted by the Petitioner's grandfather through the Vigilance Cell and directed the Vigilance Cell to submit a report by 29th May 2026.

9. The Tehsildar and Executive Magistrate Office, Mahad, intimated the Vigilance Officer on 21st May 2026 that Form 14 appears to be without re-writing, cancellation, and change of ink.

10. The Vigilance Cell submitted its inquiry report to the Respondent No. 2 Scrutiny Committee on 29th May 2026 after

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perusal of the original record in respect of the Form 14 - birth record of grandfather of the Petitioner, observing that the said record is in order.

11. The Respondent No. 2 - Scrutiny Committee took up the matter for hearing on 5th June 2026, when the advocate for the Petitioner as well as the advocate for Respondent No. 6 argued the matter and made Written submissions. The Respondent No. 2 - Scrutiny Committee observed on the basis of the arguments that Form 14 of the Petitioner's grandfather should be re-examined through the Vigilance Cell. Accordingly, the Vigilance Cell was directed to submit a report of re-verification by 10th June 2026, and that the same should be made available to the Petitioner and Respondent No. 6 on 11th June 2026. The matter was accordingly adjourned for hearing on 15th June 2026. The Tehsildar, Mahad, was also directed to remain present along with the original Register containing Form 14 on 15th June 2026.

12. The Respondent No. 2 - Scrutiny Committee obtained the report of the Tehsildar, Mahad, on 15th July 2026, which was thereafter made available to the Petitioner and Respondent No. 6 on 17th July 2026, and they were directed to make submissions on the

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same.

13. The Petitioner has submitted her say in writing on the report of the Tehsildar. The respective say had been submitted on 20th July 2026.

14. The Petitioner, her advocate, and Respondent No. 6 were heard by Respondent No. 2 - Scrutiny Committee on 6th August 2026, and the matter was closed for orders.

15. By the impugned Order dated 10th August 2026, the Respondent No. 2 - Scrutiny Committee accepted the complaint of Respondent No. 6 and rejected the claim of the Petitioner of "Kunbi" caste. The caste certificate dated 8th July 2016 issued to the Petitioner by SDO, Mahad, was cancelled, and SDO, Mahad, was directed to confiscate the cancelled certificate. Thus, the caste certificate of the Petitioner had been invalidated.

16. The Petitioner has accordingly filed the present Writ Petition.

17. Mr. Surel Shah, the learned Senior Counsel appearing for the Petitioner submitted that the Respondent No.2 – Scrutiny

Committee, despite closing the matter for orders on 5th July 2016, without recording any valid reasons for discarding the first Vigilance Cell report dated 29th May 2026 and report of Tahsildar Mahad dated 21st May 2026 in which the genuineness of the birth record of the grandfather of the Petitioner was confirmed, called for a second Vigilance Cell report dated 10th June 2026. He submitted that Rule 17(7) of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 (for short 'the said Rules'), cast a duty due on the Respondent No.2 – Scrutiny Committee to record reasons for discarding the Vigilance Cell report.

18. Mr. Shah has placed reliance upon the judgment of this Court in *Ashwini Ramchandra Bhogam v. State of Maharashtra & Ors.*¹, which considers Rule 17(7) of the said Rules and holds that Rule 17(7) casts a duty on the Scrutiny Committee to record its reasons for discarding the report of the Vigilance Cell. He has also placed reliance upon the judgment of the Supreme Court in *Kranti Associates v. Masood Ahmed Khan*², which has held that reasons are

¹ 2017 (2) Mh.L.J. 53.

² 2010 (9) SCC 496.

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the backbone of any decision, be it administrative or judicial.

19. Mr. Shah has submitted that the Order calling for a Vigilance Report is based on a finding or a conclusion arrived at that the documents submitted by the Applicant are insufficient to prove his/her caste claim, and thus there is a requirement of application of judicial mind backed by a decision.

20. Mr. Shah has not pressed the submission on review viz. that it is trite that the power of review is not inherent, but has to be provided in the statute and in absence of such power, the Scrutiny Committee could not have reviewed its decision to call for a fresh Vigilance Report.

21. Mr. Shah has submitted that the conduct of the Respondent No.2 - Scrutiny Committee in the present case needs to be noticed. Twice the matter was closed for orders and twice it was reopened without assigning any reasons for such reopening of the matter.

22. Mr. Shah has submitted that there is no explanation

sought from the Vigilance Committee or the Tehsildar as to why the earlier reports, which indicated truthfulness of the entries in the documents, have suddenly been found to be untrue, and a contrary report has been accepted. He has submitted that it is dangerous to rely upon such inquiry to non-suit the Applicant, when the same officers of the Committee and Tehsildar in a span of a few months change the reports.

23. Mr. Shah has also placed reliance upon the decision of the Division Bench of this Court (Nagpur Bench) in *Dnyaneshwar S/o. Shankarrao Dongare Vs. The Vice-Chairman/Member Secretary, Scheduled Tribe Certificate Scrutiny Committee, Amravati & Ors.*³, wherein this Court has held that once the Vigilance Cell has admitted the validity of documents in its first Vigilance Report there were no reasons recorded as to why the matter was again referred to the Vigilance Cell.

24. Mr. Shah has further relied upon the judgment of this Court in *Vaishali Baban Dhumal v. State of Maharashtra*⁴, which

³ Writ Petition No. 4237 of 2023 along with companion Writ Petition, Judgment dated 11th August, 2025.

⁴ 2023 (2) Mh.L.J.

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though holding that the Scrutiny Committee under the Rules has the power to direct a re-inquiry even after submission of a report as per Sub-Rule (6) of Rule 12 of the said Rules, but while doing so, the principles of natural justice and fair play will have to be read into the Rules to safeguard the interest of the Applicant. In any case, a re-inquiry can never be on a mere ipse dixit of the Scrutiny Committee. It is therefore necessary that while ordering a re-inquiry, the Scrutiny Committee must spell out the reasons for such re-enquiry. If upon a fresh report so submitted, the Scrutiny Committee is not satisfied with the claim of the Applicant, necessitating it to issue a show cause notice to the Applicant, then the Scrutiny Committee shall, along with the freshly submitted report, also serve a copy/copies of the earlier report/reports with the reasons for directing such re-inquiry to enable the Applicant to make an effective representation to the show cause notice in terms of Sub Rule (8) of Rule 12 of the said Rules.

25. Mr. Shah has submitted that, in any event, the Petitioner has in her possession an additional document in respect of the son of her great-grandfather, viz. Rama Ambaji Shigwan, showing his caste entry as "Kunbi" in the year 16th September 1893. This has been filed along with an Additional Affidavit dated 29th August 2026 in these

proceedings. He has submitted that this Court has taken a view that when a pre-Constitution document is introduced by the Petitioner at the stage of a Writ Petition challenging the invalidation of the caste certificate of the Petitioner, the matter is required to be remanded back to the Respondent Committee for reconsidering the Petitioner's claim with an opportunity to place the additional document before it. He has, in that context placed reliance upon the decision of this Court in *Shaila Baban Ranjane @ Shaila Balkrishna Kharat vs. State of Maharashtra & Ors*⁵.

26. Mr. Shah has further submitted that though there is by virtue of Amendment to the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No. XXIII of 2001) which came into effect from 22nd July 2026 ("Amendment Act"), an appeal provided from the decision of the Scrutiny Committee invalidating the caste certificate of the Petitioner, and which is under Section 6B of the Amendment Act, which has come into force from 22nd July 2026, there is no

⁵ Writ Petition No. 2479 of 2013, Order dated 12th March 2019.

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independent machinery provided to the Appellate Authority.

27. This Court has taken note of this fact in *Mr. Ashutosh s/o Shivajirao Abhyankar v. State of Maharashtra & Ors*⁶. It is held therein that though it is shown that the Appellate Authority is established, this Court finds that even otherwise, it is not shown that any independent machinery is provided to the Appellate Authority, nor have any rules or regulations, etc., till now been formulated. This Court has expressed the hope that the Government thinks of appointment of any forum consisting of presiding officers/members having judicial background, and till such forum is established, the present Writ Petition has been rightly filed before this Court.

28. Mr. Shah has submitted that, accordingly, in view of the pre-Constitution document which is now produced by the Petitioner, the matter be remanded to the Respondent No.2 - Scrutiny Committee to reconsider the Petitioner's claim for validity of her caste certificate, with an opportunity to place the aforesaid document on record.

⁶ Writ Petition No. 10108 of 2026, Order dated 13th August 2026.

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29. Mr. Kankal, the learned AGP appearing for the Respondent-State, states on instructions that there are no SoPs issued with respect to the Appellate Authority dealing with Appeals under Section 6B of the Amendment Act, particularly in the case of candidates belonging to Other Backward Classes (OBC) in the State of Maharashtra. The statement is accepted.

30. Mr. Gavnekar, the learned Counsel appearing for Respondent No. 6, has submitted that during the course of hearing on 31st August 2026, Mr. Shah for the Petitioner submitted that the impugned Order had not been challenged on merits, but on the ground that the Respondent No.2 - Scrutiny Committee erred in not giving reasons for discarding the Vigilance Report dated 29th May 2026, which is in favour of the Petitioner. He has referred to the Order passed by this Court dated 31st August 2026, which directed the Respondent No. 2 - Scrutiny Committee to produce the record and proceedings which were before the Scrutiny Committee. Accordingly, the Scrutiny Committee has made available the original record, and particularly the noting made in Roznama on 5th June 2026. He has referred to the noting that the matter was closed for decision after hearing the respective Advocates, and that after

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considering the submissions made by the Advocate for the complainant, the Scrutiny Committee was of the opinion that the said document viz. Village Form 14, requires re-examination through the Vigilance Cell. The Vigilance Cell was accordingly directed to submit a fresh report by 10th June 2026. It was further directed that the said report be made available to the Petitioner and the Respondent No. 6 – complainant, and the next date fixed which was 15th June 2026.

31. Mr. Gavnekar has submitted that the Respondent No. 2 - Scrutiny Committee has not set aside or discarded the entire report submitted by the Vigilance Cell dated 29th May 2026, but directed the Vigilance Cell to re-examine one of the documents, viz. Form 14 of the Petitioner's grandfather. He has submitted that the re-submitted reports of the Vigilance Cell and the Tehsildar were made available to the Petitioner and Respondent No. 6, and they were allowed to make submissions upon the same. He has submitted that the Scrutiny Committee proceeded with caution by ordering the re-examination of one of the main documents which, according to them, required re-examination.

32. Mr. Gavnekar has submitted that the Petitioner has

placed reliance upon Rule 17(7) of the said Rules and the decisions which lay down that the Scrutiny Committee cannot render an order rejecting the claim without recording the reasons for discarding the Vigilance Report, which has favoured an Applicant before it. He has submitted that these decisions are clearly not applicable in the present case.

33. Mr. Gavnekar has submitted that in the present case, the Scrutiny Committee has not discarded the entire vigilance report but sought further re-examination from the vigilance cell with regard to one of the documents considering the submissions made before it.

34. Mr. Gavnekar has submitted that the Scrutiny Committee, on receiving the adverse report on the said document, furnished the same to the Petitioner and called upon the Petitioner to make her submissions on the same. These submissions by the Petitioner were duly considered in the impugned Order. He has accordingly submitted that it cannot be said that the Scrutiny Committee has failed to rely upon the vigilance report without giving any reasons.

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35. Mr. Gavnekar has submitted that it is apparent from reading of the impugned Order that the Scrutiny Committee has considered both the reports dated 29th May 2026 and 10th June 2026 and has also considered the say of the Petitioner on the reports.

36. Mr. Gavnekar has submitted that in the Vigilance Cell Report dated 10th June 2026, it is noted that during the course of hearing, the Chairman and other members, in the presence of the Superintendent of Police, observed that the Register be re-examined, and not only with regard to the over writing by considering other entries in the said register, so as to ascertain if there are any infirmities found in the said Register. This clearly establishes that the Committee, in consultation with the Deputy Superintendent of Police, which constitutes the Vigilance Cell along with other police officials, were consulted before directing re-examination of the said document.

37. Mr. Gavnekar has submitted that the submission of the Petitioner will result in nullifying the provisions in Rule 17, Sub Rule (7), which provides “Findings recorded by the Vigilance Cell shall not be binding on the Scrutiny Committee, as the Vigilance Inquiry is meant for internal assistance to the Scrutiny Committee”. He has

submitted that when the finding of the Vigilance Cell is said to be not binding upon the Scrutiny Committee, the Scrutiny Committee has inherent powers to direct the Vigilance Cell to submit a further report and if the contentions of the Petitioner are accepted, then in that event, the aforesaid provision will be nullified.

38. Mr. Gavnekar has submitted that the decision dated 5th June 2026 of the Scrutiny Committee is strictly in accordance with Sub Rule (7) of Rule 17 and the judgment relied upon by the Petitioner, viz. *Dnyaneshwar S/o. Shankarrao Dongare (Supra)*, will not help the Petitioner in advancing her case.

39. Mr. Gavnekar has further submitted that the Petitioner has sought to rely upon an additional document produced by way of Affidavit dated 29th August 2026. The document is Form 14 relating to the son of Rama Ambaji Shigwan, who is said to be the great-great-grandfather of the Petitioner. He has submitted that in view of the Amendment Act, the Petitioner has a remedy by way of Appeal as provided in Section 6(B), which provides that an Appeal may be filed within 90 days from the date of receipt of an order of the Scrutiny Committee before the Appellate Authority, which is subsequently

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specified by the State Government as Divisional Commissioner. Further, Sub Section (3) of Section 6B provides that the Order passed by the Appellate Authority shall be final and shall not be challenged before any authority or court except High Court under Article 226 of the Constitution of India.

40. Mr. Gavnekar has submitted that the Amendment Act has been interpreted in a judgment of this Court in ***Vishakha Sharad Raut*** alias ***Vishakha Moreshwar Raut v. The State of Maharashtra & Ors***⁷. This Court, in the said decision, has observed that the said amendment has come into force on 22nd July 2026 and therefore, the remedy of the Appeal now being available to the Petitioner, the document can be permitted to be produced in the Appeal, if the Petitioner chooses to decide to file the same by withdrawing the Writ Petition.

41. Mr. Gavnekar has submitted that in view the said judgment, it must be observed that the Petitioner has incurred disqualification as per Section 10(4) of the 2000 Act and she cannot be permitted to continue her right to be a Councillor by virtue of the

⁷ Writ Petition No. 11625 of 2026 dated 2nd September 2026.

impugned Order passed by Respondent No. 2 - Scrutiny Committee.

42. Mr. Gavnekar has submitted that the extraordinary jurisdiction under Article 226 of the Constitution of India contemplates a discretionary exercise of jurisdiction in favour of those persons who have invoked the jurisdiction of this Court with clean hands and the claims therein are not aligned with production of false or fabricated documents. He has submitted that in view of the clear finding of Respondent No. 2 - Scrutiny Committee with regard to the caste of the Petitioner's father in the School Leaving Certificate, viz. Hindu Maratha, the Petitioner cannot claim any benefits. Further, the Petitioner has tampered with a genealogy tree by showing a stranger, viz. Suryakant Tukaram Shigwan, as paternal uncle to take advantage of his certificate. This has been proved in an Affidavit filed by Suryakant Tukaram Shigwan before the Scrutiny Committee. Accordingly, he has submitted that the Petitioner does not deserve sympathy or discretion being exercised in her favour, and the Petition deserves to be dismissed with costs.

43. Having considered the submissions, it is pertinent to note that the Petitioner has confined her grounds of challenge to the

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impugned Order passed by the Respondent No.2 - Scrutiny Committee on the failure on the part of the Scrutiny Committee to give reasons for discarding Vigilance Report dated 29th May 2026. In this context reliance has been placed on Rule 17(7) of the said Rules. However, this Rule provides that the finding recorded by the Vigilance Cell shall not be binding on the Scrutiny Committee, as the Vigilance Inquiry is meant for internal assistance to the Scrutiny Committee. Thus, the Scrutiny Committee, can avail of the assistance of the Vigilance Cell, and would, in our view, have inherent powers to direct the Vigilance Cell to submit a further report in the event re-examination of a document relied upon by the Vigilance Cell is required. Otherwise, the whole purpose of the Vigilance Cell providing internal assistance to the Scrutiny Committee would be nullified.

44. In the present case, we find much merit in the submissions on behalf of Respondent No. 6 that the Respondent No.2 - Scrutiny Committee has not discarded the entire Vigilance Report, but has sought re-examination from the Vigilance Cell with regard to one of the documents i.e. after consideration of the submissions made by the Petitioner as well as the Respondent No.6 before it.

45. Further, the Respondent No.2 - Scrutiny Committee has considered both reports of the Vigilance Cell, viz. the report dated 29th May 2026 and the subsequent report dated 10th June 2026. The Petitioner has been given an opportunity of having her say on both the reports, and it is only thereafter that the Scrutiny Committee has rendered a finding in the impugned Order viz. that Form 14 - the birth record of the grandfather of the Petitioner is unacceptable. The Scrutiny Committee has accordingly departed from their earlier view taken by the Vigilance Committee based on the letter of the Tehasildar dated 21st May 2026 and which confirmed that there is no interpolation, over writing and change of ink in the said birth record. This was upon reliance placed upon the subsequent Vigilance Cell Report dated 10th June 2026.

46. From a bare reading of the entry in Form 14 submitted by the Petitioner's grandfather to the Vigilance Cell, it is evident that there is re-writing, cancellation and change of ink. Thus, we do not find any infirmity in the impugned Order of the Respondent No.2 – Scrutiny Committee accepting the subsequent Vigilance Cell Report dated 10th June 2026. Further, the Petitioner has been given ample opportunity to give her say on the subsequent Vigilance Report and it

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is only after considering the say, that the Respondent No. 2 - Scrutiny Committee, has invalidated the caste certificate of the Petitioner.

47. It is further evident from the opening paragraph of the said report dated 10th June 2026 that the Chairman and other members, in presence of the Superintendent of Police, discussed the issue of re-examination of the said Form 14 and observed that the Register be re-examined not only with regard to the over writing but by considering other entries in the said Register in order to find out whether there were infirmities in the said Register. This clearly establishes that the Scrutiny Committee consulted with the Deputy Superintendent of Police, which constitutes the Vigilance Cell, along with other police officials, before directing the re-examination of the said document.

48. The judgment which has been relied upon by the Petitioner viz., *Ashvini Bhogar (Supra)* is inapplicable in the present case. In that case, this Court has considered that the Scrutiny Committee had discarded the entire Vigilance Cell Report by failing to record reasons for discarding the same. In the present case, there is no such discarding of the entire Vigilance Cell Report, but merely a

re-examination of one of the documents in respect of which there was a finding in the earlier Vigilance Cell Report, and which finding has been departed from in the subsequent Vigilance Cell Report upon such re-examination. The Supreme Court in *Kranti Associates (Supra)*, relied upon by the Petitioner, has held that reasons are the backbone of any decision, be it administrative or judicial. The Scrutiny Committee in the impugned Order has given reasons for its acceptance of the subsequent Vigilance Cell Report.

49. Rule 17(7) of the said Rules provides that the Scrutiny Committee shall record its reasons for discarding the report of the Vigilance Cell. This would be applicable where the entire Vigilance Cell report has been discarded. This is certainly not the position in the present case as it is the finding in the earlier Vigilance Cell Report in respect of one of the documents, which, on re-examination thereof, has been departed from.

50. The Petitioner has produced a document, (not been placed before the Scrutiny Committee) by way of Additional Affidavit dated 29th August 2026 viz. Form 14 relating to the son of Rama Ambaji Shigwan, who is stated to be the great-great-grandfather of

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the Petitioner. We do not consider it appropriate in light of the view expressed by us with regard to Form 14 submitted by the Petitioner's grandfather being fabricated, that any purpose will be served to remand the matter to the Scrutiny Committee for considering the document now sought to be produced. Although, an appeal has been provided from the impugned Order of the Scrutiny Committee viz. Section 6B of the Amendment Act, in view of the statement made by the learned AGP on instructions of the Respondent - State that there are no SoPs which have been issued with regard to the Appellate Authority and as regards Appeals to be preferred by OBCs to whom the Petitioner claims to belong, reliance cannot be placed on this provision.

51. The judgment of this Court in ***Vishakha Sharad Raut*** alias ***Vishakha Moreshwar Raut(Supra)*** which holds that in view of the Amendment Act having come into force on 22nd July 2026 and the remedy of Appeal under Section 6B being available to the Petitioner, the document now produced before the Court can be permitted to be produced in the Appeal, will not be applicable in the present case, in view of the statement of the learned AGP for the Respondent – State with respect to Appeals to be preferred by OBCs.

52. This Court in *Mr. Ashutosh S/o. Shivajirao Amberao (Supra)* has observed that though the the Appellate Authority is established, it is found that there is neither independent machinery provided to the Appellate Authority, nor have there been any Rules or Regulations etc. till now been formulated.

53. The Petitioner, having not come with clean hands to this Court by relying upon a fabricated document, as well as having been found to have tampered with the genealogy tree by showing a stranger, viz. Suryakant Tukaram Shigwan, as paternal uncle, is not deserving of any indulgence of this Court, particularly with regard to allowing a new document to be produced.

54. We do hope that the Government takes active steps in issuance of SoPs as well as formulation of Rules and Regulations for redressal of grievances of the Orders passed by the Scrutiny Committee, particularly in view of the appellate provision, viz. Section 6B under the Amendment Act, and the Appellate Authority having been established. It is further necessary to note that under Sub Section (3) of Section 6B of the Amendment Act, it is provided that an Order passed by the Appellate Authority shall be final and shall not be challenged before any authority or Court except the High

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Court under Article 226 of the Constitution of India. Given that there is such Appellate provision, this remedy would be first required to be availed of prior to coming to this Court under Article 226 of the Constitution.

55. The deeming provision viz. Section 10(4) of the Amendment Act provides that upon invalidation of the person's Caste Certificate by the Scrutiny Committee, the election of such person "shall be deemed" to have been terminated retrospectively i.e. on the date on which the person contested the election. Accordingly, in the present case the Petitioner cannot claim continuation of her right to be Councillor in view of the Scrutiny Committee invalidating her Caste Certificate.

56. We find no merit in the present Writ Petition. The Writ Petition is accordingly dismissed. However, there shall be no order as to costs.

[FIRDOSH P POONIWALLA, J.]

[R.I. CHAGLA J.]