

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.13957 OF 2024

GAURI VIJAY SHANKHPAL

.....APPELLANT(S)

VERSUS

**SCHEDULE TRIBE CASTE
CERTIFICATE VERIFICATION
COMMITTEE & ANOTHER**

.....RESPONDENT(S)

ORDER

Being aggrieved by the order dated 01.02.2022 passed in Writ Petition (ST) No. 24219 of 2019 by the High Court of Judicature at Bombay, the appellant is before this Court.

2. By the said order, the Writ Petition preferred by the appellant challenging the order passed by the first respondent – Schedule Tribe Caste Certificate Verification Committee dated 08.02.2019 invalidating the caste certificate issued to the appellant as belonging to Mahadeo Koli Scheduled Tribe was dismissed. Hence, this appeal.

3. We have heard learned counsel for the appellant and learned counsel for the respondent(s)-State.

4. We have perused the material on record.
5. During the course of submissions, learned counsel for the appellant drew our attention to an earlier order passed by this Court dated 20.08.2024 in **SLP (C) No.10486 of 2019, Prafullakumar vs. State of Maharashtra and others ("Prafullakumar")** by which certain reliefs were granted to the petitioner therein subject to the petitioner not pressing the Special Leave Petition on merits. Learned counsel for the appellant also submitted that by the said order, directions were issued to the respondent(s)-University therein subject to the petitioner therein not pressing the Writ Petition and secondly, not placing reliance on the caste certificate issued to the petitioner, which had been cancelled by the Caste Verification Committee therein in future.
6. Learned counsel for the appellant submitted that a similar order may be passed in this case also; that the appellant would not press this appeal; secondly, the appellant would surrender the caste certificate issued to her and thirdly, the appellant would not place reliance on that caste certificate in future.

7. In view of the above, a direction may be issued to the educational institution as well as the University to confer the BDS Degree (Bachelor of Dental Sciences) on the appellant in accordance with her merit and also to direct return of the original documents submitted at the time of admission to the college.

8. In response to this submission, learned counsel for the respondent(s)-State submitted that any relief that is to be granted to the appellant herein would indirectly result in validation of her caste certificate although the appellant may not place reliance on the same in future. He submitted that liberty may be reserved to the respondent(s)-State to initiate action as against appellant in accordance with law.

9. We have taken note of the submissions advanced at the bar.

10. We have perused the order passed in the case of ***Prafullakumar*** dated 20.08.2024. For ease of reference, the said order is extracted as under:

“Mr. Sachin Patil, learned counsel for the petitioner submitted that he has instructions not to press this Special Leave Petition if the relief granted to the petitioner in the case of *Sunil vs. State of Maharashtra & Ors. [SLP (C) Nos. 3039-3040/2011]* is granted to the petitioner herein; that the said order has been followed in successive cases and, therefore, all that the petitioner is now interested is for the Degree Certificate to be issued

by the respondent No.4/University so that he can pursue his Post-graduation course in Engineering in open category and without recourse to any kind of reservation or other benefits attached to the Scheduled Tribe category which he proclaims to belong to, namely, 'Halba'.

Learned counsel submitted that the directions issued in paragraph '4' in the case of *Sunil vs. State of Maharashtra & Ors.* shall also be complied with by the petitioner herein and the petitioner would not press this Special Leave Petition any further, if the aforesaid relief is granted to the petitioner herein.

Per contra, learned counsel appearing for the respondent/State as well as the University submitted that the petitioner is seeking reliefs even in the face of the petitioner not really belonging to the Scheduled Tribe category and the observations made by the Scheduled Tribes Caste Certificate Scrutiny Committee as well as the High Court, would clearly indicate that no relief can be granted to the petitioner herein and further, the petitioner has deprived a person really belonging to the Scheduled Tribe from being granted admission in the B.E Engineering course. They further submitted that if ultimately this Court is to grant relief to the petitioner on the basis of the order of this Court in the case of *Sunil vs. State of Maharashtra & Ors.*, then liberty may be reserved to the respondents to initiate appropriate action as against the petitioner in accordance with law.

We have perused the order passed in the case of *Sunil vs. State of Maharashtra & Ors.* In the said case also, this Court categorically found that the petitioner therein did not belong to the Scheduled Tribe. However, relief was granted to the said petitioner in the following manner:-

“In view of the above, while upholding the decision of the High Court, we direct that the petitioner's admission shall not be cancelled and that the petitioner will be entitled to the benefit of the MBBS Course already undergone by him subject to the petitioner filing an affidavit within four weeks from today undertaking not to claim

any further benefit/concession of reservation as belonging to "Mahadeo Koli" Scheduled Tribe throughout his life. He will not be entitled to seek any benefit/concession of reservation in future either for further studies or for employment. It is also made clear that if he has obtained any concession or benefit by way of reduction in fee as a reserved candidate, he will have to make good the same by paying the difference in fees, if not already paid. It is made clear that the petitioner will be entitled to the benefits of the degree only after making good the payment. This order will not enable any relative of the petitioner to claim any benefit of reservation."

Following the aforesaid directions issued in the case of *Sunil vs. State of Maharashtra & Ors.*, we direct that the petitioner's admission to the B.E. Engineering course shall not be cancelled and he will be entitled to the benefit of the said course already undergone subject to the petitioner filing an affidavit within two weeks from today undertaking not to claim any further benefit/concession of reservation as belonging to 'Halba' Scheduled Tribe throughout his life.

The petitioner shall not be entitled to seek any benefit/concession of reservation in future either for further studies or for employment.

It is also made clear that if the petitioner has obtained any concession or benefit by way of reduction in fees as a reserved candidate, the same shall be made good by him by paying the difference in fees, if not already paid. The said fees shall be paid within a period of two weeks from the date of indicating the same to the petitioner herein.

The respondent/University shall indicate to the petitioner herein within a period of four weeks from today the amount of differential fee, if any, that the petitioner has to make good. The petitioner is also at liberty to seek such information from the University and to pay differential fee, if any, at the earliest. On such payment, if any, being made with prior intimation to the respondent/University, the latter shall verify the same

and release the Degree Certificate within a week from the date of receipt of payment of differential fee, if any, from the petitioner herein if not already released.

The Special Leave Petition is disposed of in the aforesaid terms.

Liberty is however, reserved to the respondent-State as well as the University to initiate proceedings as against the petitioner herein in accordance with law.

Pending application(s), if any, shall stand disposed of.”

11. Following the said order, we deem it just and proper to record the following:

- a) That the appellant does not press this appeal;
- b) That the appellant shall not place reliance on the caste certificate that was issued to her and which has subsequently been cancelled;
- c) That the appellant shall surrender the original caste certificate to the competent Caste Certificate Scrutiny Committee or any other competent authority;
- d) In view of the same, the college, namely, Nair Hospital Dental College, Mumbai shall return all original documents which had been submitted by the appellant to the said college at the time of admission to the BDS course;

- e) The Maharashtra University of Health Sciences shall confer the BDS degree on the appellant herein in accordance with her merit;
- f) Further, the appellant therein to place a copy of this order before the head of the institution as well as the Registrar of the University for implementation of the directions of this Court in this order;
- g) It is needless to observe that Nair Hospital Dental College, Mumbai and Maharashtra University of Health Sciences, Nashik, shall comply with the directions issued above within a period of one month from the date of placing of this order before the said authorities by the appellant herein.

The appeal is disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

.....**J.**
(B.V. NAGARATHNA)

.....**J.**
(R. MAHADEVAN)

NEW DELHI;
OCTOBER 09, 2025.

ITEM NO.121

COURT NO.5

SECTION III

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(S).13957/2024

GAURI VIJAY SHANKHAPAL

APPELLANT(S)

VERSUS

SCHEDULE TRIBE CASTE CERTIFICATE

VERIFICATION COMMITTEE & ANR.

RESPONDENT(S)

Date : 09-10-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) : Mr. Dilip Annasaheb Taur, AOR

Mr. Amol V Deshmukh, Adv.

For Respondent(s): Mr. Omkar Deshpande, Adv.

Mr. Siddharth Dharmadhikari, Adv.

Mr. Aaditya Aniruddha Pande, AOR

Mr. Shrirang B. Varma, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Appeal is disposed of in terms of the signed order, which is placed on file.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)

COURT MASTER (SH)

(DIVYA BABBAR)

COURT MASTER (NSH)