



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE VIVEK KUMAR SINGH

ON THE 28th OF OCTOBER, 2026

WRIT PETITION No.50664 of 2025

CNR No.: MPHC010917282025

Amrat Lal Meena @ Amrat Meena

Versus

State of Madhya Pradesh & others

Appearance:

***Mr. Manoj Kumar Sharma – Senior Advocate with Mr. Quazi Fakhruddin and
Ms. Vaishnavi Rao – Advocate for the petitioner.***

***Mr. Swapnil Ganguly and Ms. Shweta Yadav – Deputy Advocate General for
State.***

***Mr. M.P.S. Raghuvanshi – Senior Advocate appears through video
conferencing with Mr. Pramod Singh Tomar – Advocate for intervener.***

Reserved on : 08.10.2026

Delivered on : 28.10.2026

**ORDER**

The petitioner has filed the instant petition challenging the impugned order dated 09.12.2025 (Annexure P/1), passed by respondent No. 4 (Madhya Pradesh State Level High Powered Caste Scrutiny Committee), whereby the Scheduled Tribe 'Meena' caste certificate dated 29.10.1991 (Annexure P/2) issued in favour of the petitioner by the Tehsildar, Tehsil Lateri (Sironj Sub-Division), District Vidisha, has been cancelled.

2. The present controversy lies in a geographical anomaly concerning the notification of the 'Meena' community in the State of Madhya Pradesh. Prior to the reorganization of States on 01.11.1956, the Sironj Sub-Division comprising Tehsils Sironj and Lateri formed part of Rajasthan, where the 'Meena' community is notified as a Scheduled Tribe (ST). Upon the merger of Sironj Sub-Division into District Vidisha of the State of Madhya Pradesh in 1956, the 'Meena' community continued to be notified as a Scheduled Tribe at Entry No. 32 of the Presidential Order strictly in relation to the Sironj Sub-Division (Tehsils Sironj and Lateri) of District Vidisha, whereas in the remaining districts of Madhya Pradesh, the 'Meena' community is notified under the Other Backward Classes (OBC) category. Subsequently, by virtue of the *Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002*



(notified by the Government of India w.e.f. 08.01.2003 and communicated by the State of Madhya Pradesh vide Notification dated 05.08.2005), the 'Meena' community in Sironj Sub-Division of District Vidisha was also de-notified/deleted from the Scheduled Tribes list.

3. It is common ground between the parties that the petitioner belongs to the 'Meena' caste/community. On 29.10.1991, while the 'Meena' community in Sironj Sub-Division of District Vidisha was a notified Scheduled Tribe, the Tehsildar, Tehsil Lateri, District Vidisha issued a caste certificate certifying the petitioner to be a resident of Village Madavta, Tehsil Lateri, District Vidisha belonging to the 'Meena' Scheduled Tribe.

4. The factual matrix of the present case is that the petitioner participated in the State Services Examination, 1995 conducted by the Madhya Pradesh Public Service Commission (MPPSC) and was declared successful on 21.01.1997, securing 25th position in the merit list for the post of Deputy Superintendent of Police (DSP). Prior to issuing his appointment order, the State Government vide letter dated 09.05.1997 (Annexure P/3), directed the Collector, District Vidisha to verify the genuineness and validity of the petitioner's caste certificate. The petitioner was also issued a Domicile Certificate dated 25.08.1997 (Annexure P/4) by the competent authority at



Lateri certifying his native residence at Village Madavta, Tehsil Lateri, District Vidisha.

5. During the pre-appointment verification, which spanned nearly two years between 1997 and 1998, the Collector, Vidisha called for reports from the Sub-Divisional Magistrate, Sironj; the Tehsildar, Lateri; the Sub-Divisional Officer of Police (SDOP), Sironj/Lateri and the District Magistrate/Collector, Guna. By report dated 12.10.1997/1998 (Annexure P/5), the Office of the District Magistrate, Guna based on the inquiry of Tehsildar, Chachoda dated 06.10.1998 certified that the petitioner had only obtained education in Tehsil Chachoda and was not a permanent/original resident of Tehsil Chachoda, District Guna. Concurring with the reports of Tehsildar Lateri; SDM Sironj; SDOP Sironj/Lateri; and Collector Guna; the Collector, District Vidisha submitted a comprehensive verification report dated 22.10.1998 (Annexure P/6) to the Secretary, Department of Home (Police), Bhopal confirming that the petitioner is an ancestral resident of Village Madavta, Tehsil Lateri, District Vidisha and that the Scheduled Tribe certificate issued to him is genuine and valid. Satisfied with the Collector's report, the State Government issued the petitioner's appointment order as Deputy Superintendent of Police on 27.02.1999 (Annexure P/7).



6. Almost eight years after petitioner's appointment, one Bhanu Kumar Jain submitted a complaint dated 11.04.2007 (Annexure P/9) to the respondent No. 3 (DGP) alleging that the petitioner and seven other police officers of the Meena community had secured appointment on false caste certificates. A full-fledged inquiry was conducted by the Criminal Investigation Department (CID), Police Headquarters, Bhopal, which examined villagers of Madavta as well as the 1998 Collector verification record and found the complaint to be unsubstantiated and closed the matter vide report dated 29.04.2010 which was approved by the Additional Director General of Police (CID) on 03.05.2010 (Annexure P/10).

7. Subsequently, in the year 2012, further complaints were made by Shri Ramesh Kumar Thakre on 06.02.2012 and Shri Vinay Kant Suhane on 12.09.2012. On the basis of a communication dated 30.05.2012 from the Tehsildar, Lateri and a scrutiny report dated 24.07.2015 / 04.08.2015 prepared by two Police Inspectors of CID, respondent No. 4 passed an order dated 19.02.2016 cancelling the petitioner's caste certificate.

8. The petitioner assailed the order dated 19.02.2016 before this Court in W.P. No. 6200/2016, wherein an interim stay against coercive action was granted on 05.04.2016 (Annexure P/11). By a detailed final order dated



24.09.2024 (Annexure P/12), a Coordinate Bench of this Court allowed W.P. No. 6200/2016 and disposed of connected W.P. No. 20246/2012 filed by complainant Vinay Kant Suhane. This Court quashed the cancellation order dated 19.02.2016 and remanded the matter to respondent No. 4 in the following terms:

“30. Resultantly, by quashing the order Annexure P-24, WP No. 6200/2016 is allowed. Nothing survives for adjudication in WP No. 20246/2012 and it is accordingly disposed of. The matter would now go back to the scrutiny committee to carry out a fresh independent scrutiny as per para-13.5 and 13.6 of the judgment of Apex Court in the case of Madhuri Patil (supra) and after taking statements of witnesses, arrive at its own conclusion without being influenced by the earlier reports and statements recorded during the preparation of earlier report and the contradictory enquiries being carried out from the years 1997 till 2012.”

9. In compliance with the remand order dated 24.09.2024, respondent No. 4 resolved in its meeting dated 10.06.2025 to get a *de novo* field investigation conducted uninfluenced by any previous inquiry and vide letter dated 11.09.2025 (Annexure P/13) directed the Superintendent of Police, Vidisha acting as Vigilance Officer to conduct a spot investigation strictly in accordance with Paragraphs 13.5 and 13.6 of ***Kumari Madhuri Patil v. Addl. Commissioner, Tribal Development, (1994) 6 SCC 241.***

10. The Superintendent of Police, Vidisha got the field investigation



conducted through Shri Amaresh Bohre, SDOP, Lateri and forwarded the comprehensive inquiry report vide letter dated 14.10.2025 (Annexure P/14) to respondent No. 4. The SDOP, Lateri visited Village Madavta, and after conducting inspection. On the basis of detailed inspection, the Superintendent of Police, Vidisha reported in favour of the petitioner, certifying that the petitioner and his ancestors are original residents of Village Madavta, Tehsil Lateri, District Vidisha and that his father had sold their ancestral *kachcha* house in Madavta about 35-40 years ago particularly, in 1990 to relative Amar Singh Meena when sending his children to relatives places for education while retaining their agricultural land in Madavta.

11. The respondent No. 4 in its meeting dated 23.10.2025 treated the vigilance report of SP, Vidisha as incomplete on the ground that complaints alleged the petitioner to be a native of District Guna and vide letter dated 28.10.2025 directed the Superintendent of Police, Guna to conduct a spot investigation on the specific issue as to whether the petitioner's ancestors were residents of Binaganj/Chachoda, District Guna as of the year 1950.

12. Pursuant thereto, the Superintendent of Police, Guna got a field inquiry conducted through the SDOP, Chachoda, District Guna and submitted his report dated 12.11.2025 (Annexure P/15) to respondent No. 4. Based on



the entirety of the investigation, the Superintendent of Police, Guna also submitted a report in favour of the petitioner, concluding that the petitioner is the maternal nephew (*bhanja*) of Village Bapcha Lahariya who had come from his native Village Madavta (Tehsil Lateri, District Vidisha) at the age of 5-6 years to his maternal uncles' home solely for schooling. It was also concluded that his father purchased land and built a house in Chak Harichha after the petitioner's entry into police service and that neither the petitioner nor his ancestors were residents of Binaganj/Chachoda, District Guna as of the year 1950.

13. Thereafter, the respondent No. 4 issued notice dated 27.11.2025 calling upon the petitioner to appear for a hearing on 09.12.2025. The petitioner appeared on 09.12.2025 and submitted a detailed 15-point written representation (Annexure P/16), specifically objecting that in view of the two favourable Vigilance Officer reports and the mandatory bar contained in Clause 3 of the State Government (GAD) Order dated 08.09.1997 read with Guideline 13.7 of *Kumari Madhuri Patil* (supra), no further action was required by the Committee and the proceedings ought to be dropped. The petitioner also claimed protection under the State Government Cabinet decision / GAD Circular dated 02.09.2016 and placed on record official



communications from Collectorate Vidisha and Collectorate Guna certifying that the 1955/1960/1970 revenue records of Village Madavta had been officially destroyed vide Collector Vidisha's Order dated 25.04.2005 and the 1950 Khasra of Village Harichha was unavailable.

14. Vide impugned order dated 09.12.2025 (Annexure P/1), respondent No. 4 discarded both favourable Vigilance Reports of SP, Vidisha and SP, Guna as being based predominantly on oral evidence and once again cancelled the petitioner's caste certificate dated 29.10.1991.

15. Ld. Senior counsel for the petitioner contended that the impugned order dated 09.12.2025 is issued in excess of jurisdiction conferred upon respondent No. 4. It is urged that under Guideline 13.7 of *Kumari Madhuri Patil* (supra) as well as Clause 3 of Appendix-1 to the State Government's binding Circular dated 08.09.1997 (Annexure P/8), once the Vigilance Cell investigation reports of both SP, Vidisha (Annexure P/14) and SP, Guna (Annexure P/15) came in favour of the petitioner, respondent No. 4 was statutorily mandated to drop the proceedings unless it recorded a specific finding, backed by material, that the Vigilance Officers' reports were procured or found to be false or fraudulently obtained. It is submitted by Ld. Senior counsel that no such finding of fraud or procurement has been recorded in the



impugned order. Ld. Senior counsel further submitted that respondent No. 4 acted in direct defiance of the remand order dated 24.09.2024 passed in W.P. No. 6200/2016 by falling back upon the pre-remand 2014 CID compilation after the fresh field inquiries went in the petitioner's favour. He further contended that the respondent No. 4 failed to adjudicate the specific jurisdictional objection raised in Paragraph 8 of the petitioner's reply dated 09.12.2025 and violated the principles of natural justice. Ld. Senior counsel also opposed the three intervention applications, submitting that the intervenors are complete strangers lacking *locus standi* in a service matter and are acting out of malice and extortionary motives.

16. *Per contra*, Ld. Deputy Advocate General appearing for the respondents/State supported the impugned order on the strength of the return filed by the State. It was contended that although SP, Vidisha through SDOP, Lateri and SP, Guna through SDOP, Chachoda submitted reports favourable to the petitioner, both reports were defective and not in consonance with Guideline 13.5 of *Kumari Madhuri Patil* (supra) inasmuch as they relied primarily on oral witness statements without properly verifying school records, birth registration, pre-1950 revenue documents or anthropological traits. Therefore, in terms of Guideline 13.7 r/w Guideline 13.6, the Scrutiny



Committee was justified in issuing a show-cause notice dated 27.11.2025 and examining the material received from PHQ (CID), Bhopal vide letter dated 21.07.2014 which included the 1984 Primary Board examination entry, the 1987 Class 9 admission entry, the Class 6 and 1991-92 College OBC scholarship entries and the 1958 Khasra entries of Village Harichha, District Guna in the name of the petitioner's grandfather Biharilal.

17. Ld. Senior counsel appearing for the proposed intervenors vehemently prayed for impleadment as party respondents to support the impugned order, relying *inter alia* upon the appointment of the petitioner's younger brother Gaurav Singh Meena under the OBC category from District Guna, current land and *Samagra* ID records in District Guna, the 1991-92 college OBC scholarship record, the CID letter dated 04.08.2015 and an RTI response dated 26.03.2026 from Tehsildar, Lateri stating that no entry of the petitioner's 1991 caste certificate was found in the Tehsil register.

18. Heard the respective counsel and perused the record.

19. Before advertng to the legality of the impugned order dated 09.12.2025, it is necessary to first decide the maintainability of the three intervention applications and the accompanying application for vacating stay filed by third-party complainants.



20. The law governing the *locus standi* of third-party complainants or strangers to seek impleadment as adversarial parties in writ proceedings under Article 226 challenging orders of a Caste Scrutiny Committee or disciplinary/statutory authorities is no longer *res integra*. In ***Ravi Yashwant Bhoir v. District Collector, Raigad, (2012) 4 SCC 407***, the Hon'ble Supreme Court held that a complainant can, at the highest, be a witness or provide information to trigger an inquiry, but cannot claim the status of an adversarial litigant in a writ petition.

“58. *Shri Chintaman Raghunath Gharat, ex-President was the complainant, thus, at the most, he could lead evidence as a witness. He could not claim the status of an adversarial litigant. The complainant cannot be the party to the lis. A legal right is an averment of entitlement arising out of law. In fact, it is a benefit conferred upon a person by the rule of law. Thus, a person who suffers from legal injury can only challenge the act or omission. There may be some harm or loss that may not be wrongful in the eye of the law because it may not result in injury to a legal right or legally protected interest of the complainant but juridically harm of this description is called damnum sine injuria.*

59. *The complainant has to establish that he has been deprived of or denied of a legal right and he has sustained injury to any legally protected interest. In case he has no legal peg for a justiciable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer a locus standi to sue upon the individual. There must be injuria or a legal grievance which can be appreciated and not a stat pro ratione voluntas reasons i.e. a claim devoid of reasons. 60. Under the garb of being a necessary party, a person cannot be permitted to*



make a case as that of general public interest. A person having a remote interest cannot be permitted to become a party in the lis, as the person who wants to become a party in a case, has to establish that he has a proprietary right which has been or is threatened to be violated, for the reason that a legal injury creates a remedial right in the injured person. A person cannot be heard as a party unless he answers the description of aggrieved party.”

[Emphasis Supplied]

21. Reiterating the aforesaid principle specifically in the context of caste scrutiny proceedings, the Hon’ble Supreme Court in ***Ayaaubkhan Noorkhan Pathan v. State of Maharashtra, (2013) 4 SCC 465***, has held that a stranger who does not belong to the Scheduled Tribes category and has suffered no personal legal injury cannot be permitted to meddle in service matters or caste verification proceedings under the garb of public interest and restrained the complainant therein from intervening or remaining a party to the *lis* while imposing exemplary costs of Rs. 1,00,000/-.

22. Tested on the anvil of ***Ravi Yashwant Bhoir (supra)*** and ***Ayaaubkhan Noorkhan Pathan (supra)***, none of the three proposed intervenors belong to the Scheduled Tribe category; none of them competed against the petitioner in the 1995 State Services Examination or belong to his cadre/zone of consideration for promotion to the Indian Police Service and none of them have suffered any legal injury (*injuria*) to any legally protected



interest. Accordingly, in light of the law laid down by the Apex Court in *Ayaaubkhan Noorkhan Pathan (supra)* and *Ravi Yashwant Bhoir (supra)*, I.A. No. 2711/2026, I.A. No. 5062/2026 and I.A. No. 22643/2026 for intervention are held to be devoid of *locus standi* and merit, and are hereby dismissed.

23. Turning to the merits of the challenge to the impugned order dated 09.12.2025, this Court is mindful at the very outset of the contours of judicial review delineated by the Hon'ble Supreme Court in Paragraph 15 of *Kumari Madhuri Patil v. Addl. Commissioner, Tribal Development, (1994) 6 SCC 241*:

“15. The question then is whether the approach adopted by the High Court in not elaborately considering the case is vitiated by an error of law. High Court is not a court of appeal to appreciate the evidence. The Committee which is empowered to evaluate the evidence placed before it when records a finding of fact, it ought to prevail unless found vitiated by judicial review of any High Court subject to limitations of interference with findings of fact. The Committee when considers all the material facts and records a finding, though another view, as a court of appeal may be possible, it is not a ground to reverse the findings. The court has to see whether the Committee considered all the relevant material placed before it or has not applied its mind to relevant facts which have led the Committee ultimately record the finding. Each case must be considered in the backdrop of its own facts.”

[Emphasis Supplied]



24. Thus, this Court is not required to sit as a Court of Appeal to re-appreciate or re-weigh the oral and documentary evidence in totality. Rather, the inquiry before this Court in exercise of its *certiorari* jurisdiction under Article 226 is strictly confined to examining whether respondent No. 4 acted contrary to the mandatory procedural architecture laid down in Guidelines 13.5, 13.6, and 13.7 of *Kumari Madhuri Patil* (supra) r/w Clause 3 of Appendix-1 to the State Government Circular dated 08.09.1997 and whether the decision-making process of respondent No. 4 is vitiated by non-application of mind to binding Government Circulars and specific jurisdictional objections raised by the petitioner and also whether there is violation of the principles of natural justice as expounded in *Ayaaubkhan Noorkhan Pathan* (supra) and malice in law as expounded in *Ravi Yashwant Bhoir* (supra).

25. To appreciate the jurisdictional infirmity goes to the root of the impugned order, it is apposite to reproduce Guidelines 13.5, 13.6 and 13.7 of *Kumari Madhuri Patil* (supra):

“13. 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:

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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 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.*

[Emphasis Supplied]

26. In order to give statutory/executive effect to the judgment in **Kumari Madhuri Patil** (supra), the State of Madhya Pradesh through the General Administration Department issued Order dated 08.09.1997 (Annexure P/8) constituting the High Powered Caste Scrutiny Committee and prescribing the binding procedure in Appendix-1 thereof. Clauses 1, 2 and 3 of Appendix-1 read as under:

- “1. छानबीन समिति, जांच का कार्य पुलिस अधिकारी के माध्यम से करावेगी। जांच अधिकारी मौके पर जाकर विस्तृत जांच प्रतिवेदन छानबीन समिति को निर्धारित अवधि के अन्दर प्रस्तुत करेगा।
2. छानबीन समिति, यदि सतर्कता अधिकारी की रिपोर्ट के आधार पर यह पाती है कि आवेदक का सामाजिक स्तर का क्लेम सही नहीं है या संदेहास्पद है या गलत रूप से क्लेम प्रस्तुत कर रहा है तब समिति ऐसे आवेदक को सतर्कता अधिकारी की रिपोर्ट की



प्रति के साथ पंजीकृत डाक से रसीद सहित, कारण बताओ सूचना पत्र शैक्षणिक संस्था या कार्यालय प्रमुख के माध्यम से भेजेंगे...

3. ऐसे प्रकरणों जहां सतर्कता अधिकारी की रिपोर्ट आवेदक के पक्ष में हो समिति को किसी कार्यवाही की आवश्यकता नहीं होगी।”

[Emphasis supplied]

27. A conjoint reading of Guidelines 13.5, 13.6 and 13.7 of *Kumari Madhuri Patil (supra)* and Clauses 1, 2 and 3 of Appendix-1 to the State Government Circular dated 08.09.1997 establishes an unambiguous, two-stage jurisdictional filter:

- i. First, field investigation into the social status and original residence of the candidate is the exclusive domain of the Vigilance Cell / Police Officer, who must visit the spot and submit a report to the Committee.
- ii. Second, the jurisdiction of the Scrutiny Committee to issue a show-cause notice and proceed to an adversarial adjudication under Guideline 13.6 (Clause 2 of the Circular) is triggered only when the Vigilance Officer's report is adverse or finds the claim to be doubtful/not genuine.
- iii. Third, where the report of the Vigilance Officer is in favour of the candidate, Guideline 13.7 and Clause 3 of the Circular dated 08.09.1997 interpose a mandatory command that no further

**W.P. No. 50664-2025**

action need be taken by the Committee, save and except in the narrow contingency where it is established that the favourable vigilance report itself was procured or found to be false or fraudulently obtained.

28. In the case at hand, pursuant to the remand order dated 24.09.2024 passed by this Court in W.P. No. 6200/2016, respondent No. 4 itself entrusted the field investigation under Guideline 13.5 to the Superintendent of Police, Vidisha vide letter dated 11.09.2025. The Superintendent of Police, Vidisha conducted an exhaustive spot inquiry in Village Madavta, Tehsil Lateri, District Vidisha and submitted his report dated 14.10.2025 unequivocally in favour of the petitioner, verifying from villagers, neighbouring village witnesses, public representatives, social organization heads, physical inspection of the ancestral house, agricultural land and clan deity shrine and current Patwari land records that the petitioner and his ancestors are original residents of Village Madavta, Tehsil Lateri, District Vidisha.

29. Even when respondent No. 4 chose on 23.10.2025/28.10.2025 to seek a second field investigation from the Superintendent of Police, Guna on the specific query whether the petitioner's ancestors were residents of Binaganj/Chachoda, District Guna as of 1950, the Superintendent of Police,



Guna conducted a thorough spot investigation in Villages Bapcha Lahariya and Chak Harichha, examined 14 local witnesses/public representatives, checked Panchayat and SDO (Revenue) Chachoda records and submitted a second Vigilance Report dated 12.11.2025 which was also unequivocally in favour of the petitioner, concluding that neither the petitioner nor his ancestors were residents of Binaganj/Chachoda, District Guna as of 1950 and that the petitioner had merely stayed at his maternal uncles' village in Guna for schooling.

30. Once both independent Vigilance Officers nominated by respondent No. 4 itself, namely, the Superintendent of Police, Vidisha and the Superintendent of Police, Guna submitted field reports unequivocally in favour of the petitioner, Clause 3 of the State Government Circular dated 08.09.1997 and Guideline 13.7 of *Kumari Madhuri Patil (supra)* came into full operation. A perusal of the impugned order dated 09.12.2025 as well as the return filed by the State before this Court reveals that there is not even a whisper of a finding that either the report of SP, Vidisha dated 14.10.2025 or the report of SP, Guna dated 12.11.2025 was procured or fraudulently obtained by the petitioner.



31. Instead, the Committee purported to reject both Vigilance Reports on the premise that they relied mainly on oral evidence and did not annex pre-1950 revenue documents or school records. This criticism by the Committee suffers from patent non-application of mind to the record before it. Regarding anthropological and cultural traits under Guideline 13.5, both Vigilance Reports specifically verified and physically inspected the petitioner's Meena clan deity shrine (*Kul Devta*-Veer Maharaj, Jind Baba and Kuldevi Mataji) situated within walking distance of his ancestral house in Village Madavta, Tehsil Lateri and recorded the testimony of villagers and elders regarding his customary worship and social participation in Madavta.

32. Furthermore, regarding pre-1950 revenue records, the petitioner had explicitly placed on record in paragraph No. 10 of his written reply dated 09.12.2025, the official certifications issued under the Public Service Guarantee Act by the Collectorate, Vidisha certifying that the 1955/1960 and 1970/1971 revenue records of Village Madavta were officially destroyed pursuant to Collector's Order dated 25.04.2005 and by the Collectorate, Guna certifying that the 1950 Khasra of Village Harichha, Tehsil Chachoda is unavailable, which was also independently reported by the SDO (Revenue), Chachoda vide letter dated 10.11.2025. Furthermore, the State Government's



own Circular dated 14.08.2013 read with Clause 6.6 of Circular dated 11.07.2005 expressly stipulates that an applicant cannot be compelled to produce written revenue records of the year 1950 where unavailable and field inquiry/oral evidence suffices. The law does not compel a citizen to perform the impossible by producing revenue records of 1950 that the State's own Collectorate has officially destroyed in 2005.

33. Consequently, in the absence of any finding that the two favourable Vigilance Reports of SP, Vidisha and SP, Guna were procured by fraud, respondent No. 4 had no jurisdiction to sit as an appellate authority over its own Vigilance Cell or to bypass the mandatory bar contained in Guideline 13.7 of *Kumari Madhuri Patil (supra)* and Clause 3 of the State Government Circular dated 08.09.1997.

34. There is an equally fatal procedural infirmity in the methodology adopted by respondent No. 4. While allowing W.P. No. 6200/2016 vide order dated 24.09.2024, this Court had noticed that the earlier inquiries between 1997 and 2012 were contradictory and that the CID Inspectors in 2015 had merely acted as adjudicators by compiling old records without conducting any field investigation. It was for this precise reason that this Court in paragraph No. 30 of the order dated 24.09.2024 commanded the Scrutiny Committee to:



“30. Resultantly, by quashing the order Annexure P-24, WP No. 6200/2016 is allowed. Nothing survives for adjudication in WP No. 20246/2012 and it is accordingly disposed of. The matter would now go back to the scrutiny committee to carry out a fresh independent scrutiny as per para-13.5 and 13.6 of the judgment of Apex Court in the case of Madhuri Patil (supra) and after taking statements of witnesses, arrive at its own conclusion without being influenced by the earlier reports and statements recorded during the preparation of earlier report and the contradictory enquiries being carried out from the years 1997 till 2012.”

[Emphasis Supplied]

35. Respondent No. 4 itself understood the aforesaid mandate when, in its meeting dated 10.06.2025 and letter dated 11.09.2025, it resolved that the matter shall be investigated afresh, wherein all previous inquiries and recorded statements etc. shall not be taken into cognizance. However, when both fresh field investigations conducted in October and November, 2025 by SP, Vidisha and SP, Guna resulted in findings favourable to the petitioner, respondent No. 4 took about turn. As admitted by the respondents in paragraph No. 9 of their Return before this Court, respondent No. 4 fell back upon records received from the Police Headquarters, Crime Investigation Department, Bhopal vide letter dated 21.07.2014 (which formed the basis of the quashed 2015-16 proceedings) to resurrect the 1984/1987 school admission list entries, the Class 6 and 1991-92 college scholarship payment sheets and the 1958 Village Harichha revenue entry.



36. Without re-appreciating those documents as an appellate court of fact, this Court finds that the manner in which respondent No. 4 utilized the pre-remand 2014 CID compilation is vitiated by manifest errors of law and violations of natural justice.

37. In *Dayaram v. Sudhir Batham*, (2012) 1 SCC 333, a three-Judge Bench of the Hon'ble Supreme Court clarified the scope of *Kumari Madhuri Patil (supra)* and held that the scheme of verification by scrutiny committees was formulated to examine caste certificates issued without any prior inquiry and that caste certificates which have already been subjected to due and proper inquiry do not call for repeated verification. Applying *Dayaram (supra)*, the Hon'ble Supreme Court in *Ayaaubkhan Noorkhan Pathan (supra)* held:-

“39. The correctness of the said judgment in Madhuri Patil [(1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259] was doubted, and the matter was referred to and decided by a larger Bench of this Court in Dayaram v. Sudhir Batham [(2012) 1 SCC 333 : (2012) 1 SCC (Civ) 205 : (2012) 1 SCC (L&S) 109] , wherein, while deciding the various issues involved, including the competence of this Court to legislate in this regard, it was held as under : (Dayaram case [(2012) 1 SCC 333 : (2012) 1 SCC (Civ) 205 : (2012) 1 SCC (L&S) 109] , SCC pp. 353-54, paras 35-36)

“35. The Scrutiny Committee is not an adjudicating authority like a court or tribunal, but an administrative body which verifies the facts, investigates into a specific claim (of caste status) and ascertains whether the caste/tribal status claimed is correct or not. ...



36. Having regard to the scheme for verification formulated by this Court in *Madhuri Patil* [(1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259] the Scrutiny Committees carry out verification of caste certificates issued without prior enquiry, as for example, the caste certificates issued by Tahsildars or other officers of the departments of Revenue/Social Welfare/Tribal Welfare, without any enquiry or on the basis of self-affidavits about caste. If there were to be a legislation governing or regulating grant of caste certificates, and if caste certificates are issued after due and proper inquiry, such caste certificates will not call for verification by the Scrutiny Committees. *Madhuri Patil* [(1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259] provides for verification only to avoid false and bogus claims.”

(emphasis added)

Thus, it is evident from the aforesaid judgment in *Dayaram* [(2012) 1 SCC 333 : (2012) 1 SCC (Civ) 205 : (2012) 1 SCC (L&S) 109] , that the purpose of issuing directions in *Madhuri Patil* [(1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259] was only to examine those cases where caste certificates had been issued without conducting any prior enquiry, on the basis of self-affidavits regarding one's caste alone, and that the said directions were not at all applicable, where a legislation governing or regulating the grant of caste certificates exists, and where caste certificates are issued after due and proper enquiry. The caste certificates issued by holding proper enquiry, in accordance with duly prescribed procedure, would not require any further verification by the Scrutiny Committee.

45. The Scrutiny Committee in ordinary circumstances examined the matter and after investigation through its Vigilance Cell and considering all the documentary evidence on record and after being satisfied, granted the caste verification certificate in 2000. Section 114 Illustration (e) of the Evidence Act provided for the court to pronounce that the decision taken by the Scrutiny



Committee has been done in regular course and the caste certificate has been issued after due verification. Very strong material/evidence is required to rebut the presumption. In fact, Respondent 5 has no legal peg for a justifiable claim to hang upon. Once Respondent 5, for the reasons best known to him, had challenged caste certificate under the garb of acting as a public-spirited person espousing the cause of legitimate persons who had been deprived of their right of being considered for appointment, Respondent 5 must have acted seriously and brought the material before the Scrutiny Committee to show that the earlier decision was improbable or factually incorrect. Such a view stands fortified by a catena of decisions rendered by this Court where it has been held that presumption is based on legal maxim omnia rite esse acta praesumuntur i.e. all acts are presumed to have rightly and regularly been done. Such a presumption can be rebutted by adducing appropriate evidence. Mere statement made in the written statement/petition is not enough to rebut the presumption. The onus of rebuttal lies upon the person who alleges that the act had not been regularly performed or the procedure required under the law had not been followed. [Vide Gopal Narain v. State of U.P. [AIR 1964 SC 370] , Narayan Govind Gavate v. State of Maharashtra [(1977) 1 SCC 133 : 1977 SCC (Cri) 49 : AIR 1977 SC 183] , Karewwa v. Hussensab Khansaheb Wajantri [(2002) 10 SCC 315 : AIR 2002 SC 504] , Engg. Kamgar Union v. Electro Steels Castings Ltd. [(2004) 6 SCC 36 : 2004 SCC (L&S) 782] , Mohd. Shahabuddin v. State of Bihar [(2010) 4 SCC 653 : (2010) 2 SCC (Cri) 904] , Punjab SEB v. Ashwani Kumar [(2010) 7 SCC 569 : (2010) 3 SCC (Civ) 147] , M. Chandra v. M. Thangamuthu [(2010) 9 SCC 712 : (2010) 3 SCC (Civ) 907 : AIR 2011 SC 146] and R. Ramachandran Nair v. State of Kerala (Vigilance Deptt.) [(2011) 4 SCC 395 : (2011) 2 SCC (Cri) 251 : (2011) 2 SCC (L&S) 691] .J”

[Emphasis Supplied]



38. In the instant case, as already held by this Court in Paragraph 17 of the order dated 24.09.2024 in W.P. No. 6200/2016, the petitioner's caste certificate dated 29.10.1991 was not accepted on face value at the time of his selection in 1997; rather, his appointment was withheld for nearly two years while a full-fledged verification was conducted through the Collector, District Vidisha and Collector, District Guna. Only after the Collector, Vidisha backed by independent inquiries of SDM Sironj; Tehsildar Lateri; SDOP Sironj/Lateri and Collector Guna, unequivocally certified on 22.10.1998 that the petitioner was born in Village Madavta, District Vidisha, his father owned land in Lateri, he had only studied in District Guna and his ST certificate was genuine and valid, was the appointment order dated 27.02.1999 issued by the State Government. That verification was reaffirmed by the CID in 2010 and yet again by the two independent field investigations of SP, Vidisha dated 14.10.2025 and SP, Guna dated 12.11.2025. Hence, a detailed inquiry was conducted by the Collector, Vidisha in 1997-98 culminating in the report dated 22.10.1998 upholding the validity of the certificate dated 29.10.1991.

39. In *Ravi Yashwant Bhoir v. District Collector, Raigad*, (2012) 4 SCC 407, the Hon'ble Supreme Court emphasized that recording of reasons dealing with the specific explanation and legal objections raised by an affected



person is an essential facet of Articles 14 and 21 and the principles of natural justice and that an order which displays the inscrutable face of the sphinx on material objections or consciously disregards statutory safeguards to the prejudice of an individual is vitiated by *malice in law*:

- “47. This Court has consistently held that the State is under an obligation to act fairly without ill will or malice in fact or in law. Where malice is attributed to the State, it can never be a case of personal ill will or spite on the part of the State. “Legal malice” or “malice in law” means something done without lawful excuse. It is a deliberate act in disregard to the rights of others. It is an act which is taken with an oblique or indirect object. It is an act done wrongfully and wilfully without reasonable or probable cause, and not necessarily an act done from ill feeling and spite.
48. *Mala fide* exercise of power does not imply any moral turpitude. It means exercise of statutory power for “purposes foreign to those for which it is in law intended”. It means conscious violation of the law to the prejudice of another, a depraved inclination on the part of the authority to disregard the rights of others, where intent is manifested by its injurious acts. Passing an order for unauthorised purpose constitutes malice in law. (See *ADM, Jabalpur v. Shivakant Shukla* [(1976) 2 SCC 521 : AIR 1976 SC 1207] , *Union of India v. V. Ramakrishnan* [(2005) 8 SCC 394 : 2005 SCC (L&S) 1150] and *Kalabharati Advertising v. Hemant Vimalnath Narichania* [(2010) 9 SCC 437 : (2010) 3 SCC (Civ) 808 : AIR 2010 SC 3745] .)”

40. A perusal of Point 15 of the impugned Order shows that respondent No. 4 expressly recorded that the petitioner had prayed for consideration and decision on Points 7, 8 and 9 of his written representation dated 09.12.2025



(Annexure P/16). In Point 8 of his representation, the petitioner had raised a direct jurisdictional bar, namely, that under GAD Order dated 08.09.1997 (Clause 3) r/w the remand order of this Court, where the Vigilance Officer's report is in favour of the applicant, the Committee is required to take no further action and since both SP, Vidisha and SP, Guna had reported in his favour, the proceedings must be dropped.

41. Remarkably, while respondent No. 4 adverted to Point 9, i.e., the Circular dated 02.09.2016 in its operative findings, it maintained total silence on Point 8 and failed to record a single reason as to how it could overcome the mandatory bar of Clause 3 of the State Government Circular dated 08.09.1997 and Guideline 13.7 of *Kumari Madhuri Patil (supra)*. Furthermore, even with respect to Point 9, wherein the petitioner invoked M.P. Government GAD Circular dated 02.09.2016 which was issued pursuant to the Cabinet decision dated 23.08.2016 protecting the services of *Keer, Pardhi and Meena* employees of Sironj Sub-Division who entered government service prior to the de-notification date of 08.01.2003, the Committee denied protection solely on the basis of its unsustainable conclusion discarding the two favourable Vigilance Reports of SP, Vidisha and SP, Guna.



42. Proceeding to cancel the petitioner's caste certificate after 27 years of decorated police service including the President's Police Medal for Gallantry and the Rustamji Award and on the eve of his induction into the Indian Police Service, in conscious disregard of two favourable post-remand Vigilance Reports of SP, Vidisha and SP, Guna, Clause 3 of the State Circular dated 08.09.1997, Guideline 13.7 of ***Kumari Madhuri Patil (supra)*** and this Court's remand order dated 24.09.2024, clearly amounts to *malice in law* as defined in ***Ravi Yashwant Bhoir (supra)***.

43. The question that finally arises is whether the matter requires any further remand to respondent No. 4. In the considered opinion of this Court, a second remand is neither warranted in law nor in the interest of justice. Pursuant to the earlier remand order dated 24.09.2024 passed in W.P. No. 6200/2016, the statutory fact-finding exercise envisaged under Guideline 13.5 of ***Kumari Madhuri Patil (supra)*** and Clause 1 of Appendix-1 to the State Circular dated 08.09.1997 has already been fully carried out on the field by the two Vigilance Officers nominated by respondent No. 4, namely, the Superintendent of Police, Vidisha vide report dated 14.10.2025 and the Superintendent of Police, Guna vide report dated 12.11.2025. Both field investigation reports are unequivocally in favour of the petitioner and there is



no material or finding on record that either of those reports was procured by fraud. Consequently, by operation of Guideline 13.7 of *Kumari Madhuri Patil (supra)* and Clause 3 of Appendix-1 to the State Government Circular dated 08.09.1997, the only lawful course open to respondent No. 4 was to drop and close the proceedings.

44. In view of the above, impugned order dated **09.12.2025** passed by respondent No. 4 along with all consequential communications and proceedings emanating therefrom is hereby quashed and set-aside. As a consequence thereof, the petitioner's caste certificate dated 29.10.1991 (**Annexure P/2**), stands restored and affirmed.

45. As a result, the writ petition stands **allowed**.

46. There shall be no order as to costs.

(VIVEK KUMAR SINGH)
JUDGE

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