

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 2867 OF 2016
IN
WRIT PETITION NO. 9705 OF 2013

Samina Shoeb Menon ... Applicant

V/s.

Attar Naziya Zakir& others ... Respondents

Senior Advocate Mr. Venkat Dhaund i/b MZM Legal a/w. Parvez Memon,
Waseem Pangarkar, Shinde Mohammad for the applicant in civil application and
original respondent no.5.

Mr. R.K. Mendadkar for respondent no.1/original petitioner in wp.

Mrs. M.P. Thakur, AGP for the State.

Mr. M.L. Patil for respondent no.4 Corporation.

**CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.**

22nd November, 2016.

P.C.

Heard learned Counsel for the parties.

2. The learned Senior Counsel appearing for the applicant submits

that Caste Certificate as “Kachi” was obtained on 3rd August, 1994. The Ministry of Social Justice and Empowerment passed a resolution on 4th April, 2000 under which list of OBC as maintained by the State of Maharashtra had undergone amendments. Learned Counsel submits that the resolution at Sr. No.31. **72. Kachi/Kachhia** has been shown synonymous to **72. Kachi/Kachia & Kachhi**. The learned Counsel submits that applicant be granted liberty to apply afresh for issuance of the caste certificate as belonging to “Kachhi”.

3. The learned Counsel appearing for the original petitioner submits that unless the State list is amended according to the resolution issued by the Central Government, the applicant would not be entitled to apply for getting such a certificate.

4. We have perused the order passed by Division Bench of this Court (Coram: A.S. Oka and V.L. Achliya, JJ) dated 8th September, 2015. In the facts the applicant is at liberty to apply for caste certificate as “Kachhi”. In case such an application is made, the concerned Caste Authority would deal with the issue strictly in accordance with law.

5. It is clarified that we have not expressed any opinion either in

favour or against either of the parties. Civil Application stands disposed of.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.