

IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

**WRIT PETITION NO. 2203/2016**

( Nateshwari @ Neta w/o Ashok Patle vs. The Divisional Caste Certificate Scrutiny  
Committee No.1 and another )

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
of directions and Registrar's orders  
.....

Court's or Judge's order

Mr. A.B.patil, Advocate for the petitioner

Mr. A.K.Bangadkar, Asst. Govt. Pleader for Respondent Nos.1 & 2

CORAM : **SMT.VASANTI A.NAIK &**  
**Mrs. SWAPNA JOSHI, JJ.**

DATED : **22<sup>nd</sup> April, 2016**

Heard.

By this Writ Petition, the petitioner seeks a direction to the respondent no.1-Committee to decide the caste claim of the petitioner as early as possible. The petitioner seeks the protection of her office as a Member of Panchayat Samiti, Gondia till her her caste claim is decided.

Shri A.K. Bangadkar, the learned Assistant Government Pleader appearing on behalf of the respondents states that the Writ Petition would not be maintainable at the Nagpur Bench of the Bombay High Court. It is stated that the caste certificate is issued in favour of the petitioner by the Sub-Divisional Officer, Baihar, District Balaghat in Madhya Pradesh. It is stated that the Divisional Caste Scrutiny Committee at Nagpur would not be

competent to verify the caste certificate issued by the Competent Authority in Madhya Pradesh. It is stated that the petitioner would be required to seek a direction against the authority competent to decide the caste claim of the petitioner in the State of Madhya Pradesh. It is stated that the petitioner would be required to file appropriate proceedings in Madhya Pradesh and the Writ Petition would not be maintainable in the Bombay High Court.

On a perusal of the caste certificate issued in favour of the petitioner by the Sub-Divisional Officer, Baihar District Balaghat in Madhya Pradesh, it appears that the said certificate cannot be verified by the Divisional Caste Scrutiny Committee, Nagpur. The Divisional Caste Scrutiny Committee would not have jurisdiction to decide the validity of the caste certificate issued by the Competent Authority in the State of Madhya Pradesh. As rightly stated on behalf of the respondents, the petitioner would be required to file appropriate proceedings in the State of Madhya Pradesh.

By upholding the preliminary objection raised on behalf of the respondents, we decline to entertain the Writ Petition. The Writ Petition is disposed of with no order as to costs.

Since an *ad-interim* relief was operating in favour of the petitioner from 7<sup>th</sup> April 2016, at the request of the learned counsel for the petitioner, we continue the interim relief only for a period of two weeks from today, so that the petitioner could take appropriate steps.

Order accordingly. No costs.

**JUDGE**

**JUDGE**

*safare*