

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2546 OF 2023

SULBHA MACHINDRA GAIKWAD ALIAS DR SULBHA MAHINDRAKUMAR
ROHINKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

...

Advocate for Petitioner : Mr. Sudhir K Chavan
AGP for Respondents: Mrs. M.A. Deshpande.

**CORAM : MANGESH S. PATIL
& S.G. CHAPALGAONKAR, JJ.**

DATE : 2 MARCH, 2023

P.C.:-

Petitioner was seeking decision of the respondent No.2 – Caste Scrutiny Committee constituted under the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jaties), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 as belonging to Mahar Schedule Caste (Sr. No.37).

2. The committee, by its impugned order dated 26th November, 2022 has disposed of her application, *inter-alia*, on the ground of her failure to produce any document regarding her election on a reserved category post, further directing her to re-submit the application alongwith such document.

3. By virtue of specific wording of Sections 3 and 6 of the

aforesaid Act, even the person, who is intending to submit his candidature in an election for a post reserved for a specific category, is entitled to apply for caste verification. Law nowhere provides that only if it is a candidate elected on a reserved category post that he can apply for verification. The approach of the Committee is too technical to be appreciated.

4. If the petitioner intends to again apply for the candidature for some elected post served for the category, Section 6 rather requires that she makes an application well in time. The order is clearly unsustainable.

5. The writ petition is allowed. The impugned order dated 26.11.2022 is quashed and set aside and the petitioner's matter is restored to the original file before the respondent No.2 Scrutiny Committee, which it shall consider and decide in accordance with law.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-