

Shabnoor

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

WRIT PETITION NO.5187 OF 2025

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AYUB
PATHAN

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Jamadar Ashma Ibrahim

... Petitioner

V/s.

Tahsildar Akkalkot District Solapur
& Anr.

... Respondents

Mr. Ashok B. Tajane, for petitioner.

Mr. S. L. Babar, AGP for State – respondent Nos. 1 and
2.

CORAM : AMIT BORKAR, J.

DATED : APRIL 21, 2025

P.C.:

1. The petitioner has approached this Court under Article 227 of the Constitution of India, challenging the order passed by the Collector under Section 10(1-A) of the Maharashtra Village Panchayats Act, 1958. By the said order, the Collector has declared the election of the petitioner as void on the ground that the petitioner failed to submit the caste validity certificate within a period of one year from the date of election i.e., 18th January 2021. The impugned order is stated to be passed on account of the statutory consequences that follow from non-compliance with the time limit prescribed under law.

2. It is not in dispute that the petitioner had contested the election from a seat reserved for Other Backward Class (OBC) category and had filed her nomination on that basis. It is also not

in dispute that she failed to furnish the caste validity certificate within one year from the date of election, i.e., up to 18th January 2022. The legal position in this regard stands clarified by the Full Bench judgment of this Court in the case of *Sujit Vasant Patil vs. State of Maharashtra & Ors.*, reported in 2004 (3) Mh.L.J. 1109. In the said case, it has been held that once a candidate contests an election on the basis of being a backward class candidate, and thereafter the Scrutiny Committee invalidates such caste claim, then the legal consequence is that the election of such a candidate becomes void. The adjudication as to the validity of the caste claim is done by the Caste Scrutiny Committee and the Collector merely gives effect to that decision.

3. In the present case, the record shows that pursuant to remand, and interim protection granted earlier by this Court, the Scrutiny Committee has passed a detailed order on 17th October 2024 holding that the caste certificate of the petitioner as belonging to the OBC category is invalid. The result of this adjudication is that the petitioner is no longer entitled to claim the benefit of reservation and her election becomes void in view of the mandate under Section 10(1-A) of the Act. The impugned order passed by the Collector is thus a necessary and automatic consequence of the invalidation of the caste certificate. No separate adjudication of facts or application of mind to disputed questions was required to be done by the Collector.

4. The learned counsel for the petitioner has raised a grievance that the Collector has passed the impugned order without granting her an opportunity of personal hearing, and therefore the order

deserves to be set aside on the ground of violation of principles of natural justice. However, this contention cannot be accepted in the facts of the present case. The adjudicatory function, namely, the determination of the petitioner's caste status, was carried out by the Scrutiny Committee in a detailed and reasoned order after following due process. The Collector has merely acted upon that adjudication. In this regard, the Hon'ble Supreme Court in the case of *M/s. Dharampal Satyapal Ltd. vs. Dy. Commissioner of Central Excise, Gauhati & Ors.*, (2015) 6 SCR 437 and *State of Uttar Pradesh vs. Sudhir Kumar Singh*, AIR 2021 SC 406 has laid down the settled principle that violation of natural justice does not automatically vitiate the order unless prejudice is shown to have been caused. In the present case, no such prejudice is demonstrated.

5. Therefore, when the statute provides for automatic consequence upon failure to submit caste validity certificate within the prescribed period, and the authority i.e., Collector merely implements the legal consequence, the requirement of personal hearing does not arise. There being no dispute regarding facts and the jurisdiction exercised by the Collector being purely consequential and ministerial in nature, no prejudice is shown to have been caused to the petitioner by the absence of hearing. Hence, this Court finds no fault in the impugned order which merely gives effect to the legal consequence under the statute.

6. Before parting, it is clarified that this Court has not gone into the merits of the claim of the petitioner as to whether she belongs to the OBC community. The declaration of invalidity of the caste

certificate has been made by the Scrutiny Committee and this Court is not examining the correctness of that decision. If the petitioner succeeds before the competent forum in challenging the decision of the Scrutiny Committee or in any other appropriate proceedings, it shall be open for her to seek consequential reliefs in accordance with law.

(AMIT BORKAR, J.)