

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10216 OF 2025**

Avinash Himat Kachhad,

Age :19 years, domicile and permanent
Resident of Silvassa, UT of Dadra & Nagar
Haveli and Daman & Diu,
Having address as A-1, Phase-2,
House No. 102, Saidham Complex, Silvassa,
Dadra & Nagar Haveli – 396 230.

...Petitioner

Versus

1. The Administrator of Silvassa,

Having address at Secretariat Building,
Moti Daman, Daman – 396 220,
E-mail : administrator-dd-dnh@nic.in

2. Directorate Medical and Health Services,

Having address at Shri VBCH Campus,
Dadra and Nagar Haveli, Silvassa – 396 230.

**3. Admission Committee for Professional
Undergraduate & Postgraduate Medical
Educational Courses (ACPUGMEC),**

Having address at Ground Floor,
GMERS Medical College,
Civil Hospital Campus,
Near Pathikashram, Sector-12,
Gandhinagar – 382 016, Gujarat.

...Respondents

Mr. Mandar Soman i/b Mr. Hardik Joshi, Advocate for the Petitioner.
Mr. Avinash A. Kachhad, Petitioner present in the Court.

Dr. Sanjay Jain a/w Mr. Harsh Dedhia & Ms. Saloni Chordia, Advocates for
Respondent Nos. 1 & 2.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 16th OCTOBER, 2025.

Final Order (Per Ashwin D. Bhobe, J.) :-

1. Heard Mr. Mandar Soman, learned Advocate for the Petitioner and Dr. Sanjay Jain, learned Advocate for Respondent Nos. 1 & 2.

2. Petitioner a student hailing from the Other Backward Class Category (Hindu-Ahir Community), having completed his 12th standard in the year 2024 in Science faculty, is before this Court, under Article 226 of the Constitution of India, seeking declaration to hold and declare the Petitioner as eligible for admission to NAMO Medical Education and Research Institute, situated at Dadra & Nagar Haveli, under the Other Backward Class Category (OBC Category).

3. Pleading in the matter :-

a. Himat Hamabhai Kachhad (“Himat”) father of the Petitioner, was born in the State of Gujarat. Himat migrated to the Union Territory (UT) of Dadra & Nagar Haveli.

b. Petitioner was born on 5th March, 2006 in Silvassa, Dadra & Nagar Haveli. He is a permanent resident and domicile of the UT of Silvassa, Dadra & Nagar Haveli and Daman & Diu. He completed his entire schooling upto 12th standard from Silvassa.

c. Petitioner upon completion of his 12th standard, appeared for

the National Eligibility-cum-Entrance Test (NEET) for securing admission to undergraduate Medical Courses (MBBS Course). He scored 289/720 with 78.42 percentile in the NEET UG-2025 examination results declared on 14th June, 2025.

d. Vide Notification dated 10th July, 2025, Respondent No. 1 published guidelines for the admission of candidates to MBBS Course in NAMO Medical Education and Research Institute, Silvassa and Dadra & Nagar Haveli for the year 2025-2026. 5% of the total seats are reserved for OBC candidates hailing from Dadra & Nagar Haveli. Candidate seeking admission to NAMO Institute under OBC Category is required to produce the following documents :-

(i) Certificate showing the candidate has continuously studies from Class 9th to 12th in any recognized school in Dadra & Nagar Haveli and Daman & Diu.

(ii) Caste Certificate for OBC in the prescribed format from the competent authority of Dadra & Nagar Haveli.

e. Petitioner being a candidate from OBC Community applied under the OBC Category {Non-Creamy-layer (NCL)} and furnished the required documents in the form of School Leaving Certificate

from BAPS Swaminarayan Vidya Mandir and OBC-NCL Certificate bearing no. RD/GNL/OBC/21/2019 dated 25th January, 2019 issued by the Executive Magistrate/Mamletdar, Dadra & Nagar Haveli, Silvassa.

Note in the said OBC-NCL Certificate reads as : “*OBC of Gujarat*”.

f. Petitioner vide its letter dated 19th June, 2025 sought clarification from Respondent No. 1 as to whether the OBC Certificate dated 25th January, 2019, which contains the remark “OBC of Gujarat”, is valid for admission under OBC Category in Silvassa, if not valid, the procedure required to obtain a valid OBC Certificate acceptable in Silvassa for the said purpose. No response was received to the said letter dated 19th June, 2025.

g. In the meantime, Respondent No. 3 commenced the admission process for admitting students to NAMO Institute in Silvassa.

h. In view of the denial of the Respondent Authorities to grant admission to the Petitioner in NAMO Institute, Silvassa under OBC Category, the Petitioner is before this Court seeking the following substantive relief :-

(a) Call for the relevant records and proceeding from the office of the Respondent Authorities and after going into the legality, validity and propriety of the same, hold and declare that the Petitioner is eligible for admission to NAMO Medical Education & Research Institute situated at Dadra & Nagar Haveli under the OBC Category with further direction to the Respondent No. 3 to consider the Petitioner as eligible for admission to NAMO Medical Education & Research Institute under OBC Category as per his merit as per Notification dated 10th July, 2025.

4. Respondent Nos. 1 & 2 filed their reply dated 20th August, 2025 opposing the Petition. Said Respondents contend that though Petitioner filed on-line application, the OBC-NCL Certificate dated 25th January, 2019, the same made reference to the Petitioner being recognized as OBC of Gujarat. They contend that as per clause 5.3 of the guidelines for admission dated 9th July, 2025, the candidates or their parents who have migrated from other states to UT of Dadra & Nagar Haveli and Daman & Diu, shall not be entitled to avail benefits of reservation for being admitted to the said reserved seats. By relying on the said guidelines and the documents submitted said Respondents contend that the Petitioner was considered under the Un-reserved Category for the District of Dadra & Nagar Haveli and his name appeared at Serial No. 150 in the provisional list. They contend that as per clause 9.3(h), the candidates who fill form under OBC Category are required to submit a Non-Creamy-Layer Certificate of last financial year. They contend that the OBC-NCL

Certificate furnished by the Petitioners was of the year 2019 as such not considered. They contend that the Respondents had raised this remark several times on the on-line portal and messages to that effect were sent to the Petitioner through automatic generated mail, calling upon the Petitioner to re-unload the latest OBC-NCL Certificate, which the Petitioner failed to comply. They contend that 03 seats are allotted for candidates belonging to OBC Category in the District of Dadra & Nagar Haveli, as per the provisional allocation of seats, published on 12th August, 2025, the admission process was completed and the said 03 seats were filled up by the candidates from OBC Category. Finally they contend that the Petitioner had not provided requisite documents so as to make him eligible for the seat belonging to OBC Category.

5. Petitioner filed Affidavit-in-Rejoinder dated 21st August, 2025 (captioned as 'Affidavit of Petitioner denying allegations'), reiterating his case.

6. Matter was taken up for hearing on 9th October, 2025. During the course of hearing, Mr. Mandar Soman, learned Advocate for the Petitioner, on instructions from the Petitioner, submitted that the 03 OBC seats being filled up, the Petitioner does not press the prayer clause (a) of the Petition, however the Petitioner would press for a declaration to the effect that Hindu Ahir would fall in OBC Category in the UT of Dadra &

Nagar Haveli and Daman & Diu. He sought for time to produce the Presidential Order indicating that “Ahir” falling in OBC Category in Gujarat, would also fall in OBC Category in UT of Dadra & Nagar Haveli and Daman & Diu.

7. On 14th October, 2025, Mr. Mandar Soman, the learned Advocate for Petitioner tendered a copy of the Official Gazette dated 20th October, 1994, published by the Government of India (22 pages) and relied on pages 13 & 18 of the said Gazette, to contend that the Caste/Community “Ahir” is notified in the common list of “OBC” in the UT of Dadra & Nagar Haveli. He therefore submits that the Petitioner belongs to “Ahir” Community which is recognized as Other Backward Community in the State of Gujarat as well as in the UT of Dadra & Nagar Haveli. He submits that the Petitioner holds a Caste Certificate issued by the competent authority in the UT of Dadra & Nagar Haveli. He submits that the competent authority has issued a Domicile Certificate to the Petitioner certifying the Petitioner to be a permanent resident of Silvassa, UT of Dadra & Nagar Haveli. On the basis of said submissions, he submits that the Petitioner is required to be given the benefit of the reservation under OBC Category in the UT of Dadra & Nagar Haveli.

8. Dr. Sanjay Jain, the learned Advocate for Respondent Nos. 1 & 2 has tendered the Notification bearing no. BC/10/201/92/2439 dated 27th

January, 1994 issued by the Administrator, Dadra & Nagar Haveli notifying the Caste/Communities as mentioned in the Mandal Commission's Report for reservation in civil post and services under the administration of Dadra & Nagar Haveli, in favour of other Backward Classes. He on instructions from Respondent No. 1 submits that though the notification dated 27th January, 2024 and the Notification dated 19th October, 1994 issued by the Ministry of Welfare, Government of India, is in the context of reservation of vacancies in civil posts and services, Respondent Nos. 1 & 2 have adopted and are applying the said reservation in the matters pertaining to education/admissions of students in medical courses and other courses. To clarify, he submits that Respondent No. 1 has been following the reservation in educational matters by relying on the Notification dated 19th October, 1994.

9. Before proceeding further, we find it appropriate to reproduce the Notification dated 19th October, 1994 published by the Ministry of Welfare, Government of India, relevant to the common list of OBCs in respect of UT:Dadra & Nagar Haveli and the Notification dated 27th January, 1994.

“MINISTRY OF WELFARE

RESOLUTION

Now Delhi, the 19th October, 1994

No. 12011/9/94-BBC--The Government of India, vide the Ministry of

Personnel, Public Grievances & Pensions Department of Personnel and Training) O.M. No. 36012/22/93-Estt. (SCT) dated : 8th September, 1993 have reserved 27% of vacancies in civil posts and services under the Central Government in favour of the Other Backward Classes (OBCs). This O.M. also specifies that the OBCs for the purpose of aforesaid reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the Report of the Mandal Commission and the State Governments lists.

2. The Common Lists of OBCs in respect of 14 States, namely, Andhra Pradesh, Astam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu and Uttar Pradesh, in the context of implementation of aforesaid O.M. were notified in the Ministry of Welfare Resolution No. 12011/68/93-BCC(C) dated : 10th September, 1993 and published in the Gazette of India Extraordinary-Part I - Section-1 No. 186, New Delhi Monday, September 13th, 1993/Bhadra 22, 1915.

3. The Government of India have also now prepared the Common Lists of OBCs in respect of the following 4 States and 3 Union Territories :-

1. Orissa
2. Rajasthan
3. Tripura
4. West Bengal
- 5. Dadra and Nagar Haveli**
6. Daman and Diu
7. Pondicherry.

The Government have decided to notify the annexed Common Lists in respect of the above mentioned 4 States and 3 Union Territories in the Central List of OBCs in the context of implementation of the aforesaid O.M. dated 8th September, 1993 of the Department of Personnel and Training. These lists shall take effect from the date of issue of this Resolution.

sd/-
GANGA DAS, Jt. Secy."

**UT : DADRA AND NAGAR HAVELI
COMMON LIST OF O.B.Cs.**

Sl. No.	Names of castes/communities (including sub-castes/synonyms) in the common list of O.B.Cs.	Entry No. in UT list	Entry No. in Mandal list
1	2	3	4
1.	Agri	1	1
2.	Ahir,	2	2
	Bharvad,	2	2
	Yadav	2	2
3.	Bhrhmi	3	3
4.	Dhobi	4	4
5.	Kahari	5	5

Sl. No.	Names of castes/communities (including sub-castes/synonyms) in the common list of O.B.Cs.	Entry No. in UT list	Entry No. in Mandal list
	Kumbhar	5	5
6.	Kapadi	6	6
7.	Kolaga (Misal)	7	7
8.	Koli	8	8
9.	Makrana (Muslim)	9	9
10.	Nai (Valand)	10	10

“No. DC/10/201/92/2439
Administration of Union Territory of
Dadra and Nagar Haveli
Secretariat, Daman.
Dated 27th January, 1994.

NOTIFICATION

In compliance with the directions of the Hon'ble Supreme Court of India contained in its Judgement dated 16-11-1992 in the case of Iadira Sawtney and others V/s Union of India and others (No. 930 of 1990), popularly known as Mandal Case. and taking into account the Instructions issued by the Government of India, Ministry of Welfare in this regard, the Administrator, Dadra & Nagar Haveli, hereby notifies in the first phase the following castes/communities as mentioned in the Mandal Commission's Report for the reservation in civil posts and services under the Administration of Dadra and Nagar Haveli in favour of Other Backward Classes:

1. Agri
2. Ahir, Bharvad, Yadav
3. Bhshmi
4. Dhobi
5. Kahar, Kumbhar
6. Kapdi
7. Kolaga (Misal)
8. Koli
9. Makarana (Muslim)
10. Nai (Valand)

The quantum and criteria for reservation will be such as may be determined by the Government of India from time to time.

*By order and in the name of the Administrator,
Dadra & Nagar Haveli.
Assistant Secretary.”*

10. From the above Notifications “Ahir” is recognized as “OBC” to

the extent of the UT of Dadra & Nagar Haveli is concerned. Though the said Notifications make a reference to the reservation being for vacancies in civil posts and services, Dr. Sandip Jain, the learned Advocate for Respondent Nos. 1 & 2 has on instructions made a statement that the said reservation is applied and followed by Respondent Nos. 1 & 2 in the matters pertaining to education/admission of students in medical courses, other courses.

11. This Court in the case of ***Abhinav Dipakbhai Patel v/s. Director, Transport Department, Union Territory, Administration of Dadra & Nagar Haveli and Others***¹, while dealing with a person belonging to SC/ST Category notified by the President for Union Territory, is entitled to be considered as a reserved category candidate, provided he was the resident of the said Union Territory for a prescribed time period. The said Judgment was carried to the Hon'ble Supreme Court and vide Judgment dated 7th May, 2019 in the case of ***Director, Transport Department, Union Territory Administration of Dadra & Nagar Haveli, Silvassa and Others v/s. Abhinav Dipakbhai Patel***², the Judgment of the Division Bench of this Court was sustained. The Hon'ble Supreme Court concluding that if the person was a resident of the Union Territory of Dadra & Nagar Haveli, for six years prior to the date of the advertisement, he would be treated as a person who was

1. 2017 SCC OnLine Bom 1457.

2 (2019)6 SCC 434.

entitled for the reservation for ST category in the Union Territory of Dadra & Nagar Haveli, notwithstanding that he was a migrant.

12. This Court in the case of *Dipakbhai Premabhai Patel and Another v/s. Union of India and Others*³ while considering a case of admission of a student, who belonged to the Dhodia Community, which is considered as a Scheduled Tribe in the State of Gujarat as well as in the UT of Dadra & Nagar Haveli relied on the decision in the case of *Director of Transport Department, UT Administration of Dadra & Nagar Haveli and Others* (*supra*).

13. The Petitioner before us belongs from “Ahir” Community which is a OBC Category in the UT of Dadra & Nagar Haveli. Petitioner is a domicile of Silvassa Dadra & Nagar Haveli. Petitioner would therefore be entitled to the reservation benefits of OBC Category. With this observations, **this Petition is partly allowed**. The Petitioner shall be entitled to claim benefit of the reservation under the OBC Category from the UT of Dadra & Nagar Haveli.

[ASHWIN D. BHOBE, J.]

[RAVINDRA V. GHUGE, J.]

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3. Writ Petition No. 11565 of 2025 decided on 29th September, 2025.

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