



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 8278/2023

Ujwala w/o. Sandip Ghare

Vs.

District Caste Certificate Scrutiny Committee, Buldhana and Ors.

Mr. P. B. Patil with Mr. V. B. Rathi, Advocate for Petitioner.
Mr. H. D. Marathe, A.G.P. for Respondent Nos.1 and 2/State.
Mr. Vidit Lohiya, Advocate h/f. Mr. Pushkar Deshpande, Advocate for
Respondent Nos.3 to 7.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 07/01/2025.

P.C.

. Heard.

2. The order impugned whereby the claim for issuance of the validity is rejected is sought to be assailed on the ground that the same goes contrary to the mandate provided under Rule 11 of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012. It is claimed that the District Caste Committee which has passed the order impugned thereby rejecting the claim for issuance of validity for Other Backward Category as belonging to 'Kunbi', is headed by the Additional Chief Executive Officer (Lower Grade). The post of the Additional Chief Executive Officer (Lower Grade) cannot be equated with the post of the Divisional Commissioner or Additional Divisional Commissioner or Collector or Additional Collector (IAS) or Additional Collector (Selection Grade) or Joint Secretary of the State

Government or an Officer not below the rank of Joint Secretary to the State Government or Additional Commissioner (Social Welfare). This Court having noted so, has passed an order on 05.12.2024 so as to enable the learned A.G.P. to demonstrate that the post of Additional Chief Executive Officer (Lower Grade) can be termed to be at par with the post which are named in Clause (a) of Rule 11 of the said Rules to act as a Chairman of the Committee.

3. As such, the order impugned can be said to have been passed by the Committee which has no jurisdiction. The order as such, can be termed as *coram non judice*.

4. That being so, the writ petition stands allowed.

5. The order impugned dated 07.11.2023 is hereby quashed and set aside.

6. We permit the petitioner to appear before the respondent - Committee on 27.01.2025 so as to enable the Committee to pass afresh order.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)