

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4001 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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NAYKA VIJAYBHAI NANIYABHAI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR TIRTH H SHAH(13975) for the Petitioner(s) No. 1

MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1

MS AKSHITA MOHUOT FOR AISHVARYA(8018) for the Respondent(s) No.

4

MR ADITYA DAVDA, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 23/03/2026****JUDGMENT**

1. Rule returnable forthwith. Learned Assistant Government Pleader Mr. Aditya Davda, waives service of notice of Rule for and on behalf of the respondent Nos.1, 2 and 3 and learned counsel Ms. Akshita Mohuot, appearing on behalf of learned counsel Ms. Aishvarya, waives service of notice of Rule for and on behalf of the respondent No.4.

2. With the consent of the learned counsel appearing for the respective parties, the petition has been taken up for final hearing today.

3. By way of present petition under Article 226 of the Constitution of India read with the provisions of the Gujarat Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Issuance and Verification of Caste Certificate) Act, 2018 (hereinafter be referred to as "*the Act*") petitioner has prayed for the following reliefs :

"(A) YOUR LORDSHIPS may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or directions directing the respondent no.2 to decide the representations of the petitioner dated 24.03.2025 (At Annexure-C), 24.04.2025 (At Annexure-D) and 02.03.2026 (At Annexure-J) and pass appropriate orders as expeditiously as possible preferably within the period of 01 Month;

(B) During the pendency and final disposal of the present petition, YOUR LORDSHIPS may be pleased to direct the respondent authorities to decide the representations of the petitioner dated 24.03.2025 (At Annexure-C), 24.04.2025 (At Annexure-D) and 02.03.2026 (At Annexure-J) and pass appropriate orders as expeditiously as possible preferably within the period of 01 Month;

(C) Pass any such other and/or further orders that may be thought just and proper, in the facts and circumstances of the present case;"

4. Brief facts giving rise to the present petition are that, the petitioner was one of the voters of ward no.4 in the election of Chhota-Udepur Municipality, wherein, there were total 7 wards and total 4 members in each ward were elected and out of the said 4 members in each ward, 1 seat was reserved for the members of Scheduled Tribe category and thus, total 7 members were to be elected from Scheduled Tribe category. That, the election was held on 16.02.2025 and the results were declared on 18.02.2025. That, from ward no. 4, one Manjulaben Kishanbhai Koli was elected from the reserved seat for Scheduled Tribe candidate. That, the election for the post of president from among the members of Municipality was held

on 05.03.2025 and said post having been reserved for Scheduled Tribe Woman, said Manjulaben Kishanbhai Koli was elected to the post of president of Chhota-Udepur Municipality for the period of 2.5 years. That, the said Manjulaben Kishanbhai Koli had produced a false caste certificate showing herself as Schedule Caste and therefore, the petitioner made a detailed representation on 24.03.2025 and again on 24.04.2025, pointing out the said facts. That, as per the provisions of Gujarat Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Issuance and Verification of Caste Certificates) Act, 2018 and Gujarat Scheduled Tribes (Regulation of Issuance and Verification of Caste Certificates) Rules, 2020 and Amendment Rules, 2025, the District Election Officer was required to refer the Scheduled Tribe Certificate to the scrutiny Committee, for obtaining the validity certificate thereof. That, as per the provisions of law, and pursuant to the application of the petitioner, the schedule caste certificate of Manjulaben Kishanbhai Koli was sent to scrutiny committee and the same was registered as file no. 5652 as per the information provided to the petitioner when he tried to inquire about the further proceedings pursuant to his representation. That, one Asfakahmad Makrani had also complained against Manjulaben Kishanbhai Koli for contesting election on the basis of bogus caste certificate before the Prime Minister's Office which is registered as PMOPG/E/2025/0113778 on 04.08.2025 and the said complaint was also forwarded to respondent no. 2 since August, 2025, which was also kept pending in complete disregard to the mandatory statutory provisions. That, one another person Nayka Anilbhai Karshanbhai also complained against the use of bogus caste certificate by Manjulaben Kishanbhai Koli in the Municipality Election, to which the respondent no. 2 vide letter dated 10.03.2025 informed that the caste certificate scrutiny by the committee is under process. That, mandatory statutory provisions

have not been complied with and therefore, petitioner again made a representation dated 02.03.2026 requesting the respondent authorities to forthwith take decision as per Rule 11 of the Rules.

5. Being aggrieved and dissatisfied with the inaction on the part of the respondent authorities, the petitioner has preferred this petition.

6. Heard Mr. Nishit P. Gandhi, learned counsel appearing for the petitioner, Mr. Aditya Davda, learned Assistant Government Pleader appearing for the respondent Nos.1, 2 and 3 and Ms. Akshita Mohuot, learned counsel appearing on behalf of Ms. Aishvarya, learned counsel appearing for the respondent No.4.

7. Learned counsel Mr. Gandhi has submitted that as per the statutory mandate given in Rule 11(10)(a) of the Gujarat Scheduled Tribes (Regulation of Issuance and Verification of Caste Certificates) Rules, 2020 the Scrutiny Committee shall take decision of about the claim of he applicant within such period not exceeding two months from the date of receipt of an application and the Scrutiny Committee shall communicate within one month from the date of decision of the inquiry to the parent/guardian and the applicant, however, in the present case, though a period of almost 1 year has lapsed, the mandatory requirements of Rule 11 have not been complied with and no final decision is taken by the Scrutiny Committee. He has submitted that the petitioner inquired on various occasions and he was informed that the vigilance cell was yet to give its report and therefore, final decision was not taken and thus, the respondent authorities are trying to shelter the fraud committed by Manjulaben Kishanbhai Koli. He has submitted that despite several representations and several follow-ups, the respondent authorities are

not doing their statutory duty and have failed in discharging their duty. Over and above the grounds agitated in the memo of petition, learned counsel Mr. Gandhi has urged that the present petition be allowed and the respondent authorities be directed to decide the representations made by the petitioner.

8. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. Considering the submissions canvassed by the learned counsel for the petitioner and considering the facts and circumstances of the case, present petition is partly allowed. The respondents – Authorities are hereby directed to decide the representations made by the petitioner within a period of **8 (eight) weeks** from the date of receipt of writ of this Order in accordance with law, after giving an opportunity of hearing to the petitioner, failing which, appropriate action shall be initiated against the erring officer. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

(HEMANT M. PRACHCHAK,J)

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