IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13962 OF 2026

Sanjay Vishwanath Nilewad
VERSUS
Divisional Commissioner Chh Sambhajinagar And Others

...

- Mr. Mahesh S. Deshmukh, Advocate i/by Mr. S. S. Phatale, Advocate for the Petitioner
- Mr. R. S. Wani, AGP for Respondents – State
- Ms. Yogita Thorat, Advocate for Respondent No. 3 – Z.P. Nanded

...

CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

DATE : 09th OCTOBER, 2026

PER COURT :

1. Heard learned Advocate for the Petitioner, learned AGP for Respondent Nos. 1 and 2 – State and learned Advocate for Respondent No. 3.

2. Issue notice to the Respondents, returnable forthwith. Learned AGP waives service of notice on behalf of Respondent Nos. 1 and 2 – State. Ms. Yogita Thorat, learned Advocate, waives service of notice on behalf of Respondent No. 3. By consent of the parties, the petition is taken up for final hearing.

3. The prayer in this petition is to direct Respondent No. 1 – Divisional Commissioner to register and decide the appeal preferred by the Petitioner challenging the order dated 15.09.2026 passed by Respondent No. 2 – Scrutiny Committee, invalidating the tribe claim

of the Petitioner as belonging to "*Koli Mahadev*", Scheduled Tribe.

**4.** It is brought to the notice of this Court that, by virtue of Section 6B, inserted by the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate (Amendment) Act, 2026 (Maharashtra Act No. XXXVIII of 2026), a remedy of appeal against the order of the Scrutiny Committee has been provided. Pursuant to the notification dated 10.08.2026, the Divisional Commissioner of the respective Division has been appointed as the Appellate Authority under the said Act.

**5.** Learned Advocate for the Petitioner submits that, in view of Section 10(5)(a) and (b) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, as amended by Maharashtra Act No. XXXVIII of 2026, the Petitioner is entitled to statutory protection against withdrawal of service benefits for the period prescribed therein.

**6.** Learned Advocate for Respondent No. 3 vehemently opposes the grant of protection to the Petitioner. However, in view of the provisions of Section 10(5) of the said Act, the protection

available to the Petitioner under the said provision cannot be denied.

**7.** In view of the above, Respondent No. 1 – Divisional Commissioner is directed to register the appeal preferred by the Petitioner and decide the same as expeditiously as possible, in accordance with law. The parties shall appear before Respondent No. 1 – Divisional Commissioner on 19.10.2026.

**8.** Till the appeal is decided and for the period prescribed under Section 10(5)(a) of the said Act, no adverse action shall be taken against the Petitioner on the basis of the impugned order dated 15.09.2026, subject to the provisions of Section 10(5) of the said Act.

**9.** With the above directions, the Writ Petition stands disposed of.

**[JITENDRA JAIN, J.]** **[KISHORE C. SANT, J.]**