IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO. 13960 OF 2026

Aishwarya Sanjay Nilewad
VERSUS
Divisional Commissioner Chh. Sambhajinagar And Others

AND
906 WRIT PETITION NO. 13961 OF 2026

Snehal Rajendra Kondawar
VERSUS
Divisional Commissioner Division And Others

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- Mr. Mahesh S. Deshmukh, Advocate i/by Mr. S. S. Phatale, Advocate for the Petitioner
- Mr. P. K. Lakhotiya, AGP for Respondents – State
- Mr. Pradeep B. Kulkarni, Advocate h/f. Mr. M. D. Narwadkar, Advocate for Respondent No. 3 – CET Cell
- Mr. B. V. Virdhe, Advocate for Respondent No. 4 – Health University.

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

DATE : 09th OCTOBER, 2026

PER COURT :

1. Heard learned Advocates for the Petitioners and learned AGP for the Respondents–State.

2. Since the issue involved in both these Petitions is identical, both the Petitions are taken up together and are being decided by this common order.

3. The Petitioners have approached this Court seeking directions to the Divisional Commissioner, being the Appellate

Authority under Section 6B of the Maharashtra Caste Certificate Act, 2000, to register their respective appeals against the orders invalidating their caste claims and to decide the same in accordance with law.

4. During the course of arguments, learned Advocates for the Petitioners pointed out that the impugned orders have been passed without even issuing show-cause notices to the Petitioners or by affording them an opportunity of hearing.

5. It is seen from the record that the caste validity certificates earlier granted to the Petitioners have been cancelled on the ground that the caste claims of their respective fathers were invalidated. It is further seen that, in the cases of their fathers, show-cause notices were issued, opportunities of hearing were granted and re-enquiries were conducted before the validity certificates were cancelled. However, admittedly, in the cases of the present Petitioners, no independent show-cause notices were issued to them before cancelling the caste validity certificates earlier granted in their favour.

6. We find that even though the caste claims of the fathers of the Petitioners were invalidated after following due process of law, the Respondent–Scrutiny Committee was required to follow the same procedure in the cases of the Petitioners before cancelling their caste validity certificates. Admittedly, no such exercise was undertaken by

the Scrutiny Committee. The impugned orders, therefore, are clearly in violation of the principles of natural justice.

7. Although an alternative remedy of appeal is available to the Petitioners under Section 6B of the Maharashtra Caste Certificate Act, 2000, the Hon'ble Supreme Court, in ***Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Others, (1998) 8 SCC 1***, has held that the existence of an alternative remedy is not an absolute bar to the exercise of writ jurisdiction under Article 226 of the Constitution of India, particularly where there is a violation of the principles of natural justice.

8. Considering the admitted position that no show-cause notices were issued to the Petitioners before passing the impugned orders, we find that no purpose would be served by relegating the Petitioners to the appellate remedy. Though an alternative remedy of appeal is available under Section 6B of the Act, the same would not operate as a bar to entertaining the present Petitions in the peculiar facts of these cases. The impugned orders, therefore, deserve to be quashed and set aside, and the matters remanded to the Scrutiny Committee for fresh consideration in accordance with law.

9. Hence, the following order:

ORDER

i. Both the Writ Petitions are allowed.

ii. The impugned orders passed by the Respondent–Scrutiny Committee, cancelling the caste validity certificates of the Petitioners, are hereby quashed and set aside.

iii. The matters are remanded to the Respondent–Scrutiny Committee for fresh consideration.

iv. The Respondent–Scrutiny Committee shall issue show cause notice and pass orders, as expeditiously as possible, in accordance with law.

v. It is clarified that this Court has not examined the merits of the caste claims of the Petitioners, and all contentions of the parties are kept open.

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