



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 WRIT PETITION NO. 2429 OF 2026

VEDIKA GUNVANT TANMANE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS MEMBER
SECRETARY

...

Mr. Thorat Chandrakant R., Advocate for the Petitioner

Mr. P. S. Patil, AGP for Respondent-State

....

**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 07/03/2026

P. C. : (PER : ABASAHEB D. SHINDE, J.)

1. Heard.

2. By this Writ Petition, the petitioner takes exception to the order dated 25/09/2025 passed by the respondent-Scrutiny Committee, whereby the caste claim of the petitioner, claiming to belong to the "Kunbi" Other Backward Class, has been rejected solely on the ground that the Sub-Divisional Officer, Kinwat, District Nanded, could not have issued the caste certificate and therefore, since the caste certificate has been issued by an authority outside the territorial jurisdiction, the same cannot be considered by the Committee. Secondly, the claim has been rejected on the ground that since the forefathers of the petitioner originally hail from a jurisdiction outside District Nanded, it would be appropriate for the petitioner to submit the proposal before the

Scrutiny Committee having territorial jurisdiction over the place where the petitioner's forefathers reside.

3. Learned counsel for the petitioner submits that the petitioner has been residing at Village Madnapur, Taluka Mahur, District Nanded for a long time. The Sub-Divisional Officer, Kinwat, has also issued a caste certificate in favour of the petitioner certifying that she belongs to the "Kunbi" Other Backward Class. He further submits that when the petitioner submitted the said caste certificate for verification, the respondent-Scrutiny Committee refused to decide the proposal on merits on the grounds mentioned hereinabove. He further submits that the petitioner possesses sufficient material to substantiate her claim of belonging to the "Kunbi" Other Backward Class. In this regard, he invited our attention to the documents annexed to the petition. He, therefore, contends that the respondent-Scrutiny Committee, without affording proper opportunity to the petitioner to substantiate her claim of belonging to the "Kunbi" Other Backward Class, has refused to decide the proposal on merits.

4. Per contra, the learned AGP submits that the petitioner ought to have placed on record the genealogy to substantiate her relationship with the persons whose documents are annexed to the writ petition. He further submits that unless the petitioner places on record a proper genealogy establishing her relationship with the persons on whose documents she relies, the respondent-Scrutiny Committee may not be in a position to decide the caste claim of the petitioner. He, therefore, submits that the question of deciding the

caste claim would arise only when the petitioner places on record sufficient material in support of her claim. He further submits that the documents placed on record before this Court do not form part of the proposal submitted by the petitioner before the respondent-Scrutiny Committee.

5. Having heard the learned counsel for the petitioner and the learned AGP, we find that the respondent-Scrutiny Committee has refused to decide the proposal submitted by the petitioner on the ground of territorial jurisdiction and on the ground that the Sub-Divisional Officer, Kinwat, District Nanded, had no authority to issue the caste certificate which was submitted for verification. We find that, in the light of the fact that the petitioner has specifically contended that she hails from District Nanded and that the competent authority has already issued a caste certificate in her favour, the respondent-Scrutiny Committee could not have refused to consider the proposal submitted by the petitioner merely on the ground relating to the authority of the Sub-Divisional Officer, Kinwat, District Nanded as well as on the ground of territorial jurisdiction.

6. We thus find that though the petitioner has placed certain documents on record before this Court, the same were not submitted along with the proposal before the respondent-Scrutiny Committee. We are of the view that, in order to afford a fair opportunity to the petitioner to substantiate her caste claim, the respondent-Scrutiny Committee needs to decide the matter on merits after considering the documents that may be placed on

record by the petitioner. We also find that unless the petitioner places on record a proper genealogy to substantiate her relationship with the persons whose documents are sought to be relied upon, the respondent-Scrutiny Committee may not be in a position to decide the caste claim of the petitioner. We, therefore, permit the petitioner to place on record a proper genealogy along with the documents in support of her caste claim.

7. In that view of the matter, we pass the following order.

ORDER

- A) The impugned order dated 25/09/2025 passed by the respondent- Scrutiny Committee is hereby quashed and set aside.
- B) The matter is remanded back to the respondent – Scrutiny Committee to decide the same afresh on merits thereby permitting the petitioner to file genealogy and supporting documents including the documents showing that the petitioner hails from Nanded District.
- C) We make it clear that we have not expressed any opinion on the merits of the matter. The respondent – Scrutiny Committee shall decide the matter in accordance with law and on its own merits.
- D) The petitioner undertakes to appear before the respondent – Scrutiny Committee on 18/03/2026.

- E) In the peculiar facts and circumstances of the case, Respondent No. 2 – Scrutiny Committee shall make an endeavour to decide the caste claim of the petitioner expeditiously and preferably within a period of three months from today.
- F) With these directions, the writ petition stands disposed of.

(ABASAHEB D. SHINDE, J.) (SANDIPKUMAR C. MORE, J.)