

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 15357 OF 2025

Imlesh Jairam Yadav

Aged 40 years,
Resident of Room No. 1
Azad Chawl, New
Link Road, Near Shiv Temple,
Anand Nagar, Jogeshwari,
Mumbai.

...Petitioner

Vs.

1. The State of Maharashtra

Through its Social Welfare Department
Mantralaya, Mumbai.

2. Additional District Collector,

Administrative building
having its office at 10th floor,
Bandra (E), Mumbai – 400 051.

3. Deputy Collector, Mumbai

Suburban District having its office
at Andheri, Mumbai.

4. Tahsildar and Executive

Magistrate, Andheri Taluka

Mumbai Suburban District,
Mumbai.

...Respondents

Mr. R. K. Mendadkar - Advocate for the Petitioner

Ms. Reena A. Salunkhe – AGP for the Respondent-State

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATE : 03rd FEBRUARY 2026

P. C. :-

1. Heard learned counsel for the Petitioner and learned AGP for the Respondent-State.
2. The impugned order was passed by the Appellate Authority on 24.04.2025. The appeal was filed before the Respondent No. 2 by the Petitioner, aggrieved by the decision of the Competent authority dated 24.12.2024, refusing to issue a caste certificate as belonging to Ahir caste under the category of Other Backward Classes (In short O.B.C.) caste.
3. The impugned order records that the Petitioner was not present on the date of hearing i.e. 24.04.2025. In the petition, it is stated that the Petitioner alongwith his advocate was present before the Respondent No. 2-Appellate Authority. However, he was not allowed to attend the proceedings, on the ground that advocate is not allowed to appear in such cases.
4. Learned AGP supported the impugned order. We have heard

learned counsel.

5. The Petitioner's application for issuance of the Caste certificate was rejected by the Competent authority. The statutory appeal was preferred before the Respondent No. 2 -Appellate authority by the Petitioner against the order rejecting the application for grant of Caste certificate.

6. The learned counsel for the Petitioner submits that Petitioner would remain present on 16th February 2026 at 11.00 a.m. before the Respondent No. 2 alongwith a copy of this order and would co-operate with the Appellate authority.

7. The impugned order only records that Petitioner was not present and therefore, we are not going into the question as to whether the Petitioner has the right to be represented through a lawyer or not. This contention can be raised by the Petitioner before the Appellate Authority, when the occasion so arises.

8. Suffice it to observe that the opportunity needs to be given to the Petitioner to contest the appeal on merits.

9. Hence, the order:-

ORDER

- (i) The impugned order dated 24.04.2025 passed by Respondent No. 2-Additional District Collector is quashed and set aside.
 - (ii) The Petitioner to remain present before the Respondent No. 2 on 16.02.2026 at 11.00 a.m..
 - (iii) Respondent No. 2 to decide the appeal of the Petitioner afresh on its own merits and in accordance with law after hearing the Petitioner.
 - (iv) Respondent No. 2 shall decide the appeal without being influenced by the observations made in the impugned order.
 - (v) The Appeal be decided within a period of twelve weeks from the date of communication of this order.
10. With the above observations, the Writ Petition is disposed of.
11. Pending Interim Application, if any, also stands disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)