



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 424/2026

- 1) Ranjana Natha Divtewad,
Aged about 56 years,
Occupation: Labourer,
R/o Dolhari, Tah. Himayatnagar,
Distt. Nanded.

... PETITIONER

...VERSUS...

- 1) The Sub Divisional Officer,
Office at Umarkhed,
Tah. Umarkhed Distt. Yavatmal.
- 2) The Tahsildar,
Tahsil Office, Mahagaon,
Tah. Mahagaon, Distt. Yavatmal.

...RESPONDENTS

Mr. J. S. Wankhede, Advocate for the petitioner
Mrs. M. S. Naik, AGP for respondent/State

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

DATED : 19th JANUARY, 2026.

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

1. Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. Learned AGP waives notice for respondent nos. 1 and 2/State.

4. Looking at the limited controversy involved in the present matter, we proposed to disposed of the petition finally. The challenge in the present petition is relating to the issuance of Caste Certificate, which according to the petitioner was issued for different cast for which it was claimed. According to the petitioner, he applied for issuance of Caste Certificate for 'Koli Mahadeo', however, the competent authority appointed under Section 4 of the 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, (hereinafter referred to as the 'Act'), i.e., the Sub-Divisional Officer, Umarkhed, instead of

issuing a Caste Certificate 'Koli Mahadeo', issued a Caste Certificate of 'Koli' caste, 09.11.2025, which comes in Special Backward Class. The petitioner thereafter, on 19.11.2025, applied to the said authority for rectification of the said Caste Certificate. However, the said request is also rejected vide the impugned order dated 09.12.2025. This order is under challenge before us.

5. We have perused the record with the assistance of the learned counsels for the parties. When confronted about an existence of alternate remedy under Section 5 of the Act, the learned counsel places reliance on certain judgments, where co-ordinate Benches of this Court, inspite of an existence of alternate remedy, has entertained the petition filed under Article 226 of the Constitution of India. We have perused all these judgments. The propositions in the said judgments can never be disputed, however, the said judgments, and more particularly the judgment of co-ordinate Bench of this Court in Writ Petition No. 5881 of 2025 at Principle Seat, is passed in certain special circumstances regarding the need of the petitioner for a certificate on the same day. Even though the learned counsel for the petitioner does not dispute the existence of an alternate remedy by way of an appeal to the Scrutiny

Committee, as contemplated under Section 5 of the Act, however, the anxiety of the learned counsel for the petitioner seems to be that there is no power in the appellate authority to condone the delay caused, if any. This anxiety of the learned counsel for the petitioner can be taken care of by the Scrutiny Committee by considering the fact that the order of rejection of rectification, which is passed on 09.12.2025, would certainly give him a cause of action for filing an appeal, if any, before the appellate authority. In that view of the matter, we pass the following order.

ORDER

I) Writ Petition is disposed of with liberty to the petitioner to approach the appellate authority, i.e., the Caste Scrutiny Committee.

ii) The appellate authority to consider the delay caused in view of the fact that admittedly the petitioner has applied for rectification of the Caste Certificate, and the authorities has rejected it on 09.12.2025.

iii) The Caste Scrutiny Committee is further directed that, if the petitioner accordingly files an appeal under Section 5 of the Act, the said Committee is requested to decide the said appeal expeditiously, and not later than four weeks from the date when the appeal is filed.

iv) The petition is disposed of as such.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)