



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 638 OF 2026

Gulam Jilani Almas Kagdi,
Aged about 26 years, Occ.-Service,
R/o. Ekata Chowk, Ambedkar Nagar,
Shivani, Akola.

.... **PETITIONER**

// **VERSUS** //

- 1) **The District Caste Scrutiny Committee,**
Through its Chairman, Akola.
- 2) **The Deputy Director of Health Services,**
Nagpur Circle, Matakachery Campus,
Ambazari Road, Near Diksha Bhumi,
Shardhnand Peth, Nagpur.
- 3) **The District Malaria Officer (D.M.O.),**
District Malaria Office, Subhash
Garden Road, Kapse Bhavan,
Sitla Mata Mandir, Civil Line, Gondia. **RESPONDENTS**

Mr. Abdul Subhan, Advocate for the Petitioner.
Ms. M. S. Naik, Assistant Government Pleader
for the Respondents.

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

DATE : 09th MARCH, 2026.

ORAL JUDGMENT : (Per : SMT. M.S. JAWALKAR, J.)

1. Heard learned Counsel for the Petitioner and learned
Assistant Government Pleader for the Respondents.

2. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

3. By this Petition, the Petitioner is challenging the order dated 09/12/2025, passed by the Respondent No. 1 - District Caste Scrutiny Committee, Akola thereby invalidated the caste claim of the Petitioner as he belonging the 'Kachhi' caste, which is recognized as Other Backward Class (OBC) at Serial No.85, as per the Government Resolution dated 01/06/2004.

4. The Petitioner obtained the Caste Certificate as 'Kachhi' Other Backward Class from the Office of Sub-Divisional Officer, Akola. He was appointed on the post of Multipurpose Health Worker in OBC category. The Petitioner was preferred an application along with other documents before the Respondent No.1 Caste Scrutiny Committee for verification of his caste claim. The Petitioner received notices calling him for hearing. In response to the notices, the Petitioner submitted all the original documents for verification. The Petitioner submitted that he has neither received show cause notice nor vigilance cell report and on 09/12/2025, his caste claim was invalidated.

5. The learned Assistant Government Pleader Ms. M. S. Naik strongly opposed the said petition by stating that the order of invalidation passed by the Caste Scrutiny Committee is well reasoned and no interference is warranted in it.

6. It appears that there is some explanation to the Communication dated 24/06/2025 under the signature of applicant, therefore, it cannot be said that there was no explanation called from the Petitioner. Though, this Communication dated 24/06/2025 is not placed on record, from the record made available by the learned Assistant Government Pleader, we have gone through the said communication, which shows that the Petitioner has granted opportunity to explain and reply to the Report of the Vigilance Cell.

7. It is contention of the Petitioner that his uncle was handing the matter and therefore, he was not aware about any report supplied to the Petitioner. It is submitted by the learned Counsel for the Petitioner that there is a validity certificate issued in favour of blood relative of the Petitioner, however, it was not before the Caste Scrutiny Committee. There are other documents

also which were not before the Caste Scrutiny Committee, it might be due to lack of knowledge about the procedure.

8. Admittedly, somebody on behalf of Petitioner represented before the Caste Scrutiny Committee, therefore, non supply of report and all other grounds are not available to the Petitioner. However, considering the fact that there is a Validity Certificate issued in favour of blood relative of the Petitioner and some other documents are required to be considered afresh, we inclined to quash and set aside the impugned order passed by the Scrutiny Committee and remit the matter back for fresh consideration. However, the Petitioner has not submitted true fact and therefore, we are inclined to impose costs of Rs.25,000/- to him. Accordingly, we proceed to pass the following order :

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order dated 09/12/2025, passed in case No. SER-2024-00093291, passed by the Respondent – District Caste Scrutiny Committee, Akola is hereby quashed and set aside.
- (iii) The matter is remitted back to the Respondent – District Caste Scrutiny Committee, Akola for fresh consideration specifically in view of the validity certificate issued in favour of blood relative of the

Petitioner and other documents which were not produced before it.

- (iv) The Respondent – District Caste Scrutiny Committee, Akola is hereby directed to decide the matter within a period of six months.
- (v) Needless to mentioned here that the Scrutiny Committee to give an opportunity of hearing to the Petitioner and also is at liberty to conduct the vigilance afresh if required in view of that documents.
- (vi) The Petitioner pay costs of **Rs.25,000/-** (Rs. Twenty Five Thousand only) within a period of one week. The costs to be paid to “**Public Welfare Account**”, Account No. 129712010001014, IFSC Code – UBIN0812978 [Union Bank of India, Branch High Court, Civil Lines, Nagpur].

9. The Writ Petition stands disposed of in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

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