



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 12230 OF 2025  
WITH  
INTERIM APPLICATION (ST) NO. 33179 OF 2025  
AND  
INTERIM APPLICATION NO. 12175 OF 2025**

**WRIT PETITION NO. 12228 OF 2025  
WITH  
INTERIM APPLICATION NO. 12174 OF 2025**

**WRIT PETITION NO. 12231 OF 2025  
WITH  
INTERIM APPLICATION NO. 12171 OF 2025**

**WRIT PETITION NO. 12233 OF 2025  
WITH  
INTERIM APPLICATION NO. 12173 OF 2025**

**WRIT PETITION NO. 12418 OF 2025  
WITH  
INTERIM APPLICATION NO. 12172 OF 2025**

**WRIT PETITION NO. 13079 OF 2025**

|                                         |   |             |
|-----------------------------------------|---|-------------|
| Maharashtra Mali Samaj Mahasangh & Anr. | } | Petitioners |
| Kunbi Sena                              | } | Petitioner  |
| Ahir Suvarnkar Samaj Sanstha            | } | Petitioner  |
| Sadanand Bapu Mandalik                  | } | Petitioner  |
| Maharashtra Nabhik Mahamandal           | } | Petitioner  |
| Shiva Akhil Bhartiya Veer               | } | Petitioner  |
| versus                                  |   |             |
| Government of Maharashtra & Ors.        | } | Respondents |

Mr. Venkatesh Dhond, Senior Advocate with Mr. Rohan Kelkar, Mr. Amey Deshpande, Ms. Vinodini Srinivasana, Ms. Vandana Bait, Mr. Harsh Nishar & Ms. Niyati Sontakke, Advocates for the Petitioner in WP/12230/2025.

Mr. Anil V. Anturkar, Senior Advocate with Mr. Atharva Date, Mr. Sudarshan Suryawanshi & Mr. Sudarshan Khawse, Advocates for the Petitioner in WP/12228/2025.

Mr. Shreeyash Lalit with Mr. Atmaram Patade, Advocates for the Petitioner in WP/12418/2025.

Mr. Akhilesh Dubey with Mr. Vagish Mishra, Mr. Amit Dubey, Mr. Uttam Dubey, Mr. Varad Dubey, Mr. Abhishek Karnik, Mr. Rajuram Kuleriya, Mr. Shubham Sharma, Mr. Emad Khan, Mr. Alex D'souza, Mr. Sahil Upadhyay & Mr. Shivam Mishra i/b Law Counsellors, Advocates for the Petitioner in WP Nos. 12231/2025 & 12233/2025.

Ms. Madhavi Ayyappan with Mr. Satyajeet Salve i/b. Talekar & Associates, Advocates for the Petitioner in WPST/32809/2025.

Mr. Mahesh Deshmukh a/w Mr. K. D. Pote, Advocates for the Interveners in IA Nos. 12171, 12172, 12173, 12174 & 12175 of 2025.

Mr. Rajesh A. Tekale, Advocate for the Applicant-Intervener in IAST/33278/2025 in WP/12418/2025.

Mr. Ashish Gaikwad with Mr. Ramesh Dube Patil (through VC), Ms. Rutuja Pendkalkari, Advocates for proposed Intervenor-Mr. Kailash Khandbale.

Dr. Sanjay Lakhe Patil, Advocate for the proposed Intervener.

Mr. Ravi Kadam, Senior Advocate with Mr. Suraj Iyer, Ms. Kanak Malik, Ms. Gauri Joshi i/b Ganesh & Co., Advocates for the Applicant-Intervener in IAST/33179/2025 in WP/12230/2025.

Dr. Birendra B. Saraf, Advocate General with Ms. Neha S. Bhide, Government Pleader, Mr. O. A. Chandurkar, Additional Government Pleader, Mr. Jay Sanklecha, AGP & Ms. G. R. Raghuwanshi, AGP for the Respondents-State.

**CORAM: SHREE CHANDRASHEKHAR, C.J. & GAUTAM A. ANKHAD, J.**

**DATE: 7<sup>th</sup> OCTOBER 2025**

**P.C.:**

**WRIT PETITION NO. 12230 OF 2025:**

In Writ Petition No. 12230 of 2025, Mr. Venkatesh Dhond, the learned senior counsel for the petitioners raised manifold contentions. The learned senior counsel referred to the list of dates, a copy of which has been tendered in the Court and submitted that the Kaka Kelkar Commission, the B. D. Deshmukh Committee, the

Mandal Commission and this Court in “*Suhas Dashrathe v. State of Maharashtra*” and “*Jaggannath Hole v. State of Maharashtra*” clearly made a distinction between Marathas and Kunbis and the Commissions/Committees observed that Marathas are not falling within the category of Other Backward Classes. The learned senior counsel has also referred to the Narayan Rane Committee, the Gaikwad Commission and Justice Shinde Committee reports. In that context, the learned senior counsel has taken us through some of the findings recorded by the Hon’ble Supreme Court in “*Jaishri Patil v. State of Maharashtra*” (2021) 8 SCC 1. The learned senior counsel submits that the petitioners are in no way challenging inclusion of Kunbi, Maratha Kunbi and Kunbi Maratha in the list of OBCs but their apprehension is that through the impugned Government Resolution dated 2<sup>nd</sup> September 2025, a procedure has been laid down which will facilitate infiltration of other persons belonging to Maratha community into the category of OBCs. Expressing such an apprehension on behalf of the petitioners, Mr. Venkatesh Dhond, the learned senior counsel states that at this stage an affidavit on behalf of the State-respondents is necessary so as to clarify certain aspects in the said Government Resolution as indicated in the “Note on behalf of the Petitioners”.

2. Issue notice to the respondents, returnable on 18<sup>th</sup> November 2025.
3. Dr. Birendra Saraf, the learned Advocate General appears on behalf of the State-respondents.
4. Opposing this writ petition, the learned Advocate General submits that the petitioners are not the persons aggrieved and, moreover, they cannot lay a challenge to the Government Resolution dated 2<sup>nd</sup> September 2025 on the grounds as indicated by them in the “Note on behalf of the Petitioners”.

5. Let a reply-affidavit to the main petition be filed by the Department of Social Justice and Special Assistance, Government of Maharashtra and also addressing the issues indicated in the “Note on behalf of the Petitioners”.

**WRIT PETITION NO. 12228 OF 2025:**

6. In Writ Petition No. 12228 of 2025, Mr. Anil V. Anturkar, the learned senior counsel raised four-fold contentions to press the interim relief as framed in prayer clause 14(c) of the writ petition. The learned senior counsel for the petitioner referred to the provisions under 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 (for short, “the Act of 2000”) and, in particular, the definitions of the expressions “Caste Certificate” under Clause 2(a), “prescribed” under Clause 2(i) and “Scrutiny Committee” under Clause 2(k). The learned senior counsel also referred to the provisions under sections 3 and 4 of the Act of 2000 which provide the manner in which an application for a caste certificate has to be made and the caste certificate shall be issued by the competent Authority.

7. Taking exception to the Government Resolution dated 2<sup>nd</sup> September 2025, the learned senior counsel laid stress on section 18 of the Act of 2000 which provides the rule making power to the government and submitted that without following the mandatory procedure of previous publication the impugned Government Resolution has been issued in exercise of executive powers under Article 162 of the Constitution of India. To lay support to this submission, the learned senior counsel relied upon the decision in “*The Municipal Corporation Bhopal, M. P. v. Misbahul Hasan & Ors.*”, (1972) 1 SCC 696. The learned senior counsel

further submitted that once the field is occupied by the statutory Rules, the government shall be denuded of its jurisdiction to exercise its powers under Article 162 of the Constitution of India to issue the impugned Government Resolution.

8. Mr. Anil V. Anturkar, the learned senior counsel for the petitioner further submitted that ignoring the constitutional mandate under Clause (9) of Article 338B of the Constitution of India inasmuch as without consulting the National Commission for Backward Classes on the major policy decision like the present one, the said Government Resolution has been issued by the Government of Maharashtra. The learned senior counsel also raised an issue regarding the separation of powers as envisaged under the Constitution of India. Joining the apprehension raised by Mr. Venkatesh Dhond, the learned senior counsel for the petitioners in Writ Petition No. 12230 of 2025, he has also submitted that by issuing the Government Resolution dated 2<sup>nd</sup> September 2025 the government has opened the doors for backdoor entry.

9. At the outset, we may indicate that we are dealing with the submissions of Mr. Anil V. Anturkar, the learned senior counsel for the petitioner in Writ Petition No. 12228 of 2025 for the purpose of interim relief under prayer Clause 14(c) of the writ petition. The issue regarding validity of the Government Resolution dated 2<sup>nd</sup> September 2025 which according to the petitioner in Writ Petition No. 12228 of 2025 has been issued contravening the mandatory provisions under the Act of 2000 and 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 Rules, 2012 can be decided only after taking response from the State-respondents. At this stage, we are not inclined to make any observation as regards the exercise of powers by the

Government of Maharashtra under Article 162 of the Constitution of India. The applicability of Clause (9) of Article 338B of the Constitution of India shall also depend on the affidavit to be filed on behalf of the State-respondents whether or not such a consultation was necessary for issuing the impugned Government Resolution dated 2<sup>nd</sup> September 2025. Similarly, the argument raised on behalf of the petitioner regarding the enquiry by the Committee to issue caste certificate can be decided only after a full-fledged hearing of the matter. At this stage, we are not elaborating upon the issues raised by Mr. Anil V. Anturkar, the learned senior counsel for the petitioner in Writ Petition No. 12228 of 2025 and would decline the interim relief as framed under prayer Clause 14(c) of the writ petition.

10. Let a reply be filed by the State-respondents in all the connected writ petitions within four weeks.

**INTERIM APPLICATION NOS. 12171 OF 2025, 12172 OF 2025, 12173 OF 2025, 12174 OF 2025 & 12175 OF 2025:**

11. Mr. Mahesh Deshmukh, the learned counsel for the applicants/interveners who has filed intervention applications vide Interim Application Nos.12171 of 2025, 12172 of 2025, 12173 of 2025, 12174 of 2025 and 12175 of 2025 states that he shall be withdrawing the other interim applications except Interim Application No.12175 of 2025 filed in Writ Petition No. 12230 of 2025.

12. Mr. Venkatesh Dhond, the learned senior counsel for the petitioners in Writ Petition No. 12230 of 2025 states that the petitioners have no objection to this application seeking intervention by the Maratha Mavala Association Chh. Sambhajinagar.

13. The learned Advocate General has also not opposed this interim application for intervention.

14. Interim Application No. 12175 of 2025 is allowed but only to the extent that the applicant is permitted to address the Court on legal issues.

15. Interim Application Nos.12171 of 2025, 12172 of 2025, 12173 of 2025 and 12174 of 2025 are dismissed as withdrawn.

**INTERIM APPLICATION (ST) NO. 33179 OF 2025:**

16. This Interim Application (St) No. 33179 of 2025 is filed in Writ Petition No. 12230 of 2025 for intervention which is pressed by Mr.Ravi Kadam, the learned senior counsel for the applicant. This application for intervention is also not opposed by Mr. Venkatesh Dhond, the learned senior counsel who appears for the petitioners in Writ Petition No. 12230 of 2025.

17. Interim Application (St) No. 33179 of 2025 is allowed but only to the extent that the applicant is permitted to address the Court on legal issues.

18. Post the matters on 18<sup>th</sup> November 2025 to be listed along with Original Side Writ Petition (L) No. 32133 of 2025 a reply in which may also be filed by the respondent-State.

JAYANT  
VISHWANATH  
SALUNKE

Digitally signed by  
JAYANT  
VISHWANATH  
SALUNKE  
Date: 2025.10.09  
11:10:44 +0530

**[GAUTAM A. ANKHAD, J.]**

**[CHIEF JUSTICE]**