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WP-657-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 16th OF JUNE, 2026WRIT PETITION No. 657 of 2023*SUNITA PATHODE AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Pawan Kawre - Advocate for the petitioners.

Shri Sumit Raghuwanshi - Government Advocate for the State.

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ORDER

Petitioners had filed this petition under Article 226 of the Constitution of India challenging impugned orders dated 23.11.2022, 24.11.2022 and 24.11.2022. Said orders are collectively filed as Annexure-P/6.

2. On aforesaid dates, petitioners appeared in office of District Education Officer, Balaghat for verification of their document/certificate. Verifying Officer made a note that candidature is to be rejected since OBC Caste Certificate has not been issued by competent officer.

3. Learned counsel appearing for petitioners submitted that petitioner No.1 and 2 are residents of Gondia, Maharashtra and petitioner No.3 is resident of Hamirpur, Uttar Pradesh. Parents of



petitioner No.1 and 2 belong to 'Kunbi' and 'Pawar' community which is notified under OBC in Maharashtra whereas petitioner No.3 belongs to 'Teli' community which is notified as OBC in State of Uttar Pradesh. OBC Caste Certificate of petitioner No.1-Sunita Pathode was issued by S.D.O. Deori, in State of Maharashtra, OBC Caste Certificate of petitioner No.2-Lalita Harinkhede was issued by S.D.O. Tirora in State of Maharashtra and OBC Caste Certificate of petitioner No.3-Pooja Sahu was issued by Tehsildar, Hamirpur in Uttar Pradesh. It is submitted that petitioners got married in State of Madhya Pradesh and are residents of State of Madhya Pradesh. Petitioners' caste in State of Madhya Pradesh is also notified as OBC. All three petitioners are residing at Balaghat. Since, petitioners are married in State of Madhya Pradesh and their caste is also notified in State of Madhya Pradesh as OBC, therefore, respondents had committed an error in rejecting the case of petitioners for their selection to the post of Middle Teacher. Learned counsel appearing for petitioner has relied upon the judgment passed by in case of *Alka Singh (Dr.) vs. State of M.P.* reported in *2012 (III) MPWN 84*. Petitioners are being discriminated and treated differently. District Education Officer has committed an error in rejecting Caste Certificate of petitioners. Impugned endorsement made in orders dated 23.11.2022, 24.11.2022 and 24.11.2022 for rejection of petitioners' candidature may be set aside and respondents may be directed to consider the case of petitioners for appointment as OBC candidates.



4. Learned Government Advocate appearing for State submitted that petitioner No.1 and 2 are residents of Gondia, Maharashtra and petitioner No.3 is resident of Hamirpur, Uttar Pradesh. Parents of petitioner No.1 and 2 belong to 'Kunbi' and 'Pawar' community notified as OBC in State of Maharashtra and petitioner No.3 belongs to 'Teli' community notified as OBC in State of Uttar Pradesh. OBC Caste Certificates are issued to petitioners from their aforesaid respective States. No Caste Certificates were issued to petitioners by competent authority in State of Madhya Pradesh. It is submitted that in WP No.913/2023 and WP No.28968/2022, similar issue cropped up. Said petitions were decided vide order dated 08.02.2023 and Court held that petitioners therein did not obtain Caste Certificate from concerned authority in State of Madhya Pradesh, therefore, plea cannot be entertained at this stage. Case relied upon by petitioners is not applicable in the present case. No case is made out for interference, and, therefore, writ petition may be dismissed.

5. Heard the counsel for the parties.

6. Petitioners' claim is to give them benefit of Caste Certificate of OBC in State of Madhya Pradesh after they settled in State of Madhya Pradesh from other State i.e. Maharashtra and Uttar Pradesh.

7. Question before this Court is whether a person of particular Caste notified in other State and having benefit of reservation in service will get the same benefit in State of Madhya Pradesh, if said Caste is also



notified in State of Madhya Pradesh for reservation in services.

8. It is established law that Caste status of a person is attached to a place. If a person belongs to a particular Caste and dwelling in a particular area only then benefit of reservation is to be granted to a person. Presidential notification regarding Caste is area specific. Migrants lose reservation benefits if they had migrated from another State and they cannot be given benefit of Caste for reservation in services in migrated State. However, there is difference in cases where girl gets married and comes to a particular State. If Caste of a girl in both State is notified for getting benefit of reservation then said girl is to be given benefit of reservation and cannot be deprived of the same. However, said benefit can only be given to a girl who gets married in State of Madhya Pradesh and permanently settled here and her case is notified as SC/ST/OBC in both the State. Such girl must possess a Caste Certificate from competent authority from State of Madhya Pradesh. A Caste certificate issued from State of Maharashtra cannot be relied upon. Such woman candidates has to file an application for grant of Caste Certificate in State of Madhya Pradesh. Said Caste certificate can be considered for grant of benefit of reservation to them. Caste certificate are issued by competent authority following presidential order and State notifications. Authority issuing Caste certificate is expert body who is having knowledge of various notifications of Central Government as well as State Government and authorities also verify factual aspects of



belonging to a particular Caste. Court will not enter into fact finding exercise. Caste certificate of petitioners are issued from State of Maharashtra and State of Uttar Pradesh. Petitioners have not applied for Caste Certificate in State of Madhya Pradesh. Had petitioners been issued Caste certificate in State of Madhya Pradesh then said certificate can be used for purpose of getting reservation in services but Caste certificate which has been issued in State of Maharashtra and in State of Uttar Pradesh cannot be used for getting benefit of service in State of Madhya Pradesh. Court will not enter into the realm of expert body to examine whether petitioners belong to OBC caste in Maharashtra and Uttar Pradesh and same caste is also notified as OBC in State of Madhya Pradesh. Said fact finding exercise is to be done by expert body.

9. Resultantly, writ petition is *dismissed*.

(VISHAL DHAGAT)
JUDGE

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