

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

WRIT PETITION NO.4768 OF 2022

Petitioners

- : 1. Yogesh s/o Narayan Khardatkar,
Aged 24 Yrs., Occ. Student,
R/o Wadner Gangai, Tal. Daryapur,
District Amravati.
2. Vidya d/o Narayan Khardatkar,
Aged 25 Yrs., Occ. Student,
R/o Wadner Gangai, Tal. Daryapur,
District Amravati.
3. Pawan s/o Narayan Khardatkar,
Aged 20 yrs., Occ. Student,
R/o Wadner Gangai, Tal. Daryapur,
District Amravati.
4. Ku. Shivani d/o Narayan Khardatkar,
Aged 19 Yrs., Occ. Student,
R/o Wadner Gangai, Tal. Daryapur,
District Amravati.

– Versus –

Respondents

- : 1. State of Maharashtra,
through its Secretary,
Department of Social Justice and Empowerment,
Mantralaya, Mumbai – 32.
2. Sub-Divisional Officer, Daryapur,
Tal. Daryapur, District Amravati.
3. The Scheduled Tribe Certificate Scrutiny
Committee, Amravati Division, Amravati, through
its Chairman.

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Shri P.S. Khubalkar, Advocate for the Petitioners.
Mrs. Ketki Joshi, A.G.P. for the Respondents.

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CORAM : **SUNIL B. SHUKRE AND M.W. CHANDWANI, JJ.**
DATE : **6th DECEMBER, 2022.**

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

Rule. Rule made returnable forthwith. Heard finally by consent.

02] In the present case, the impugned orders rejecting the applications of the petitioners to issue caste certificates to them, have been passed by respondent No.2 by entering into the arena of scrutiny and examination of the validity of the social status claim by the petitioners. In fact, that is not the purpose and object of the power conferred upon respondent No.2 under Section 6 of 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 (herein after referred to as "Act of 2000" for short).

03] The Division Bench of this Court in the case of Namdeo S/o Baburao Ingale and others vs. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and others - (2015 (2) Mh.L.J. 707), has observed that it is not for the authority empowered under Section 4 of the Act of 2000 to embark upon any enquiry into the validity or otherwise of the caste or tribe claim of the applicant. The job of the authority is restricted to satisfy itself, on the basis of the documents and other material produced before it, as to whether or not, the applicant deserves to be issued any caste or tribe

certificate. This view of the Division Bench of this Court in the case of *Namdeo Ingale* has been followed by the coordinate Bench of this Court in the case of *Noopur d/o Prashant Ambre vs. Schedule Tribe Caste Certificate Scrutiny Committee, Amravati and another - (2020 Mh.L.J. 884).*

04] In our considered opinion, the issue involved in this petition is squarely covered by the view taken by the Division Bench of this Court in the case of *Namdeo Ingale*, which has been followed by the coordinate Bench of this Court in the case of *Noopur Ambre* and, therefore, this petition deserves to be allowed.

05] The impugned orders passed by respondent Nos.2 and 3 are hereby quashed and set aside. The matter is remanded back to respondent No.2 for reconsideration of the applications filed by each of the petitioners for issuance of tribe certificate, in accordance with law.

06] We direct that respondent No.2 shall consider all the documents already submitted by the petitioners and if necessary, the petitioners be permitted to file additional documents. The decision shall be rendered by respondent No.2 within a period of two weeks from the date of receipt of the order. Copy of the order be sent to respondent No.2.

07] Rule is made absolute in the above terms with no order as to costs.

(M.W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)

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