

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

198 WRIT PETITION NO.4788 OF 2023

BHUSHAN MANSARAM NIKUNMBHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

....
Mr.S.S. Phatale h/f Mr.S.C. Yeramwar, Advocate for the Petitioners
Mr.V.M. Kagne, AGP for Respondent/State.

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.**
DATED : 26th APRIL, 2023.

PER COURT :-

1. This is yet another case wherein the Sub-Divisional Officer and the Committee have declined to issue a Scheduled Tribe Certificate to the Petitioner No.1 as well as Petitioner No.2. The father of petitioner no.1 Mansaram and his grand father, have a Tokre Koli Scheduled Tribe certificate. Petitioner No.2 is the son of Kamlesh whose father Mansaram has the Tokre Koli Scheduled Tribe certificate.

2. We have considered the submissions of the learned Advocates representing the respective sides.

3. It is well settled that while issuing a certificate, the Sub-Divisional Officer has to find out as to whether there is any blood relative from the paternal side, who is issued a certificate. Grant of certificate by the Sub-Divisional Officer does not amount to granting

validity certificate. When such certificate holder approaches the competent committee for seeking a validity certificate, a detailed inquiry can be conducted in view of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and in the light of the judgment delivered by the Hon'ble Supreme Court on 24th March, 2023 in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and others (Civil Appeal No.2502 of 2022)***.

4. In view of the above, both the impugned orders are quashed and set aside and **this petition is partly allowed**.

5. Respondent No.3 shall issue Tokre Koli Scheduled Tribe certificates to both the Petitioners, on or before 15th May, 2023.

6. Needless to state, this order would not create any equities in favour of the Petitioners and this order would not be cited by any applicant while seeking validity certificate since this order is restricted only to the extent of the issuance of the certificate.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)