



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9253 OF 2022

Vijay S/o Rajendra Thakare,
Age-19 years, Occu:Education,
R/o-Vardi, Tq-Chopda,
Dist-Jalgaon.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through: The Secretary,
Dept. of Tribal Development,
Mantralaya, Mumbai,
- 2) The Sub Divisional Officer – Amalner,
Amalner, Tq-Amalner,
Dist-Jalgaon,
- 3) The Scheduled Tribe Certificate
Scrutiny Committee,
Milk Chilling Plant Building,
Near R.T.O., Government Ropad,
Nandurbar-425412

...RESPONDENTS

WITH

WRIT PETITION NO.9282 OF 2022

Manoj S/o Rajendra Thakare,
Age-25 years, Occu:Education,
R/o-Vardi, Tq-Chopda,
Dist-Jalgaon.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through: The Secretary,
Dept. of Tribal Development,
Mantralaya, Mumbai,
- 2) The Sub Divisional Officer – Amalner,
Amalner, Tq-Amalner,
Dist-Jalgaon,
- 3) The Scheduled Tribe Certificate
Scrutiny Committee,
Milk Chilling Plant Building,
Near R.T.O., Government Ropad,
Nandurbar-425412

...RESPONDENTS

...
Mr. C.V. Dharukar Advocate for Petitioners in both Petitions.
Mr. N.S. Tekale, A.G.P. for Respondent Nos.1 to 3 in both
Petitions.

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**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 9th MAY, 2024

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. In both these Petitions, the petitioners challenge the orders dated 27th January 2020 passed by the learned Sub Divisional Officer, Amalner, respondent No.2, rejecting the applications for issuance of caste certificates to the petitioners and also the common order dated 27th August 2020 passed by respondent No.3 Committee confirming the orders dated 27th January 2020

passed by respondent No.2. Consequential relief has also been claimed in the Petitions. Since common order came to be passed by respondent No.3 in both the matters, we are dealing with both the Writ Petitions together.

2. Heard learned Advocate Mr. Dharurkar appearing for the petitioners in both the Petitions and learned AGP Mr. Tekale appearing for the respondents in both the Petitions.

3. The petitioners are the real brothers. They claim that they belong to "Tokre Koli" community recognized as Scheduled Tribe as per the Presidential Notification. Sub Divisional Officer is empowered to issue tribe certificate to the deserving candidate claiming reservation in view of Rule 4(6) and Rule 5(2)(a) and (b) 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 Rules, 2003. Accordingly the applications were filed. Along with the said applications, the documents were produced. The said applications came to be rejected. After the rejection of the applications by the learned Sub Divisional Officer, appeal was preferred by the present

petitioners to the Caste Scrutiny Committee, respondent No.3. Respondent No.3 Committee has also rejected the claim of the petitioners. Hence these Petitions.

4. Though for issuing tribe certificate only prima facie evidence is required to be considered and it need not be seen for verification or scrutiny as after the tribe certificate is issued, it has to be got verified from the competent authority and for that purpose the procedure is different. Now in the present case, both the authorities are saying that there is no prima facie document produced on record which would show that the petitioners belong to "Tokre Koli" community. The scope of these Petitions is very limited. The petitioners have exhausted the substantive right of the appeal. The appellate authority has scrutinized the entire record. It appears from both the Judgments of the authorities that the school record of the relatives of the petitioners, especially their father and family right from the year 1923 shows the caste of the family as "Koli" and these entries are much prior in time. The entries from 2002 appears to be of "Hindu Tokre Koli". Oldest document of 1923 says the caste of the family of the petitioners as "Koli". There appears to be no explanation about this discrepancy.

5. If none of the documents, which are pre-constitutional documents say that the petitioners family belongs to Tokre Koli community, the learned Sub Divisional Officer was justified in rejecting the applications. Respondent No.3 Committee also considered all the documents and confirmed the decision by the Sub Divisional Officer. We therefore, do not find this to be a fit case where interference can be made under constitutional powers of this Court under Article 226 of the Constitution of India and both the Petitions deserve to be dismissed.

6. Accordingly, both the Writ Petitions stand dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAY24