

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16225 OF 2024**

Vidya d/o Vilas Patil,)
Age – 25 years, Occ. Student,)
R/o Taratgaon, Post – Jire,)
Tq. Mohol, Dist. Solapur)Petitioner

V/s.

1. The State of Maharashtra)
Department of Tribal Development, Mantralaya,)
Mumbai – 32.)
Through its Secretary)
2. The Scheduled Tribe Certificate Scrutiny)
Committee, Pune Division, 5th Floor, C-Wing, Kapil)
Towers, Near RTO Office, Pune.)
Through its Member Secretary)
3. The Sub Divisional Officer,)
Mohol Division, Pandharpur,)
Dist. Pandharpur)Respondents

Mr. Sushant Y. Jinturkar for the Petitioner.
Smt. R.A. Salunkhe, AGP for the State.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.
DATE : 13th NOVEMBER, 2024**

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.) :

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. This is a peculiar case wherein, the father of the
Petitioner has a Koli Mahadev - Scheduled Tribe certificate, dated
24th March, 2018 and the Petitioner, being his biological son, is

refused the said certificate by Mr. Ajinkya Godage, SDO, Mohol, Pandharpur, vide order dated 8th December, 2023 on the ground that “याव्यतिरिक्त उमेदवार यांचे वडील श्री. विलास दशरथ पाटील यांना उपविभागीय अधिकारी उत्तर सोलापूर यांनी कोळी महादेव या जमातीचे प्रमाणपत्र दि.24/03/2018 रोजी निर्गमित केलेचे दिसून येत आहे. सदरहू पुराव्याव्यतिरिक्त त्यांनी त्यांचा दावा सिध्द करणारा अन्य कोणताही सबळ पुरावा सादर केलेला नाही.”

3. The learned Advocate for the Petitioner points out that his father had earlier received a Koli Mahadev - Scheduled Tribe certificate on 29th December, 1988, keeping in view an old document dated 27th June, 1947 which pertained to his grandfather from the paternal side. The said certificate was cancelled on 7th January, 2016 on the ground that the certificate mentioned Mahadev Koli instead of Koli Mahadev and also because of territorial jurisdiction. It is pursuant to the said development that the Petitioner's father applied for a Koli Mahadev certificate which was issued by the competent Authority, viz., SDO, North Solapur. The Petitioner approached the SDO, Mohol, District - Pandharpur since his place of residence is in Mohol.

4. We have come across many such cases wherein we find that the SDO rejects the application for caste certificate on frivolous grounds, though close blood relatives from the paternal side may be

having such certificates. Time and again, we have set aside such orders. What intrigues us is that even the competent Committee abdicates its power of considering such matters with pragmatism and mechanically rejects the applications. This has unnecessarily generated a large litigation, which is avoidable.

5. This is a fit case for imposition of costs on the members of Respondent No.2, Pune Committee, as well as, Respondent No.3, SDO, Mohol Division. However, the learned AGP makes a request that one opportunity may be granted to Respondent Nos.2 and 3 and they will avoid making the same mistake in future. In view of such request, we are not imposing costs.

6. **This Writ Petition is partly allowed.** The impugned orders dated 8th December, 2023 passed by Respondent No.3 and dated 16th April, 2024 passed by Respondent No.2, are quashed and set aside.

7. Respondent No.3 shall issue a Koli Mahadev - Scheduled Tribe certificate, with proper spelling, within a period of 30 days from today. Needless to say, if the Petitioner or his father moves the competent Validity Committee for seeking a validity certificate, this order would not influence the Committee which

would consider the proposal on its own merits in view of the provisions 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.

8. Rule is made partly absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)