

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8666 OF 2023

DATE : 2nd DECEMBER, 2024

For approval and signature

THE HON'BLE SHRI RAVINDRA V. GHUGE, J.
AND
THE HON'BLE SHRI ASHWIN D. BHOBE, J.

1. Whether Reporters of Local Papers may be allowed to see the Judgment?

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2. To be referred to the Reporter or not?

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3. Whether Their Lordships wish to see the fair copy of the judgment?

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4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder?

5. Whether it is to be circulated to the Civil Judges?

6. Whether the case involves an important question of law and whether a copy of the judgment should be sent to Nagpur, Aurangabad and Goa Offices?
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- Nikita

1 of 7

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8666 OF 2023

1. Abhishek Rajendra Jadhav Age:-
20 Yrs. Occu:- Education
 2. Prajakta D/o Rajendra Jadhav Age:- 25 Yrs,
Occu:-Education.
 3. Pratik S/o Arun Jadhav Age:-
26 Yrs, Occu:- Education, Address:-
At post Methwade, Taluka Sangola,
District – Solapur Through Shri.
Rajendra S/o Narayan Jadhav.
(Father of petitioner no.1 and 2,
real uncle of petitioner No.3
-Petitioners

Vs.

1. The State of Maharashtra,
Through The Secretary,
Tribal Development Department
Mantralaya Mumbai-32.
2. Scheduled Tribe Certificates
Scrutiny Committee, Pune
Division Pune 5th floor, C wing
near R. T. O. office Kapil Tower,
Pune Dist. Pune.

3. Sub-Divisional Officer /
Sub-Divisional Magistrate
Mangalvedha, Sub-Division
Mangalvedha Dist:- Solapur. ..Respondents

Ms. Vaishali B. Suryawanshi for the Petitioner.

Mr. P. P. Kakade, Addl. G. P a/w Mr. V. M. Mali, AGP for the State.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 2nd DECEMBER, 2024

P.C. :-

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

2. This is yet one more case, in which we find that the
S.D.O. has refused the Tribe Certificate to the Petitioners (siblings)
though there are several close relatives of the Petitioner on the
paternal side, who have Caste Certificates. The Competent
Committee comprising of three members, have mechanically
sustained the impugned order of the S.D. O. dated 8th September,
2022, vide a short order dated 31st January, 2023.

3. The facts emerging from the order of the S. D. O. are glaring. The names of certificate holders and their relation with the Petitioners, have been mentioned in the order dated 8th September, 2022. However, the S. D. O observes that:

"वरील कागदपत्रांव्यतिरिक्त इतर कोणतेही पुरावे सादर केले नाहीत. उपरोक्तप्रमाणे सादर केलेल्या पुराव्यांमध्ये उमेदवार यांचे शाळा सोडल्याचे दाखल्यामध्ये जात-महादेव कोळी असा जातीचा उल्लेख दिसून येतो, सदरहू दाखला पाहता त्यामध्ये जन्मदिनांक 01/06/1972 असा नमूद आहे. सबब सदरहू पुरावा हा मानिव दिनांक चा ग्राह्य पुरावा होऊ शकत नाही."

4. We have perused the family tree and the Petitioners inform that even the father of Petitioner No.1 Rajendra S/o Narayan Jadhav has a Scheduled Tribe Certificate. His biological brother Arun Narayan Jadhav has it. The son of Arun Narayan Jadhav, namely Akshay Narayan Jadhav, has been granted the certificate by an order dated 31st August, 2019 passed by the same Committee. Harishchandra Krushna Jadhav, Tukaram Pandurang Jadhav, Arun Narayan Jadhav, Avinash Tukaram Jadhav, Keshar Tukaram Jadhav and Ramesh Krushna Jadhav, have been granted the Tribe Certificates.

5. In catena of judgments, this Court has concluded that when close blood relatives from the paternal side have been granted Caste or Tribe Certificates, the claimant must be granted such certificate, keeping in view that such certificates have to undergo a strict scrutiny when the said candidate approaches the Competent Committee for seeking a Validity Certificate under 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.

6. Since in several matters, this Court has noticed such grave instances wherein the S.D.O. and the Committee have mindlessly rejected the claims for a Caste or a Tribe Certificate, this Court has imposed nominal costs on the S. D. O. and the Members of the Committee, only to deter them from continuously passing similar orders notwithstanding, series of blood relatives from the paternal side, having such certificates.

7. In view of the above, **this Writ Petition is allowed.** Both

the impugned orders, dated 8th September, 2022 passed by the S. D. O. and the order dated 31st January, 2023 passed by the Committee, are quashed and set aside.

8. As like the orders passed in several matters earlier, we are imposing nominal cost of Rs. 2,500/- each, on the S. D. O., who has passed the order dated 8th September, 2022 and the three Members of the Committee, who have passed the order dated 31st January, 2023. Each of these members would pay Rs.2,500/- to each of the Petitioners, within a period of 30 days from today.

9. The Koli Mahadev Scheduled Tribe Certificates shall be issued to each of these Petitioners within 30 days from today.

10. Needless to state, if any of these Petitioners or close relatives, who has received such Tribe Certificates, hereinbefore, approaches the Competent Committee for seeking a Validity Certificate, this order would not influence the Committee, which would at liberty to deal with each such claim on its own merits in the light of the provisions of the 2000 Act and the law laid down by the Hon'ble Supreme Court in the case of **Maharashtra Adiwasi**

Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, AIR 2023 SC 1657.

11. Rule is made absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)