

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

(911) WRIT PETITION NO. 14646 OF 2024

Rohit Uttam Mane
Age: 31 years, Occ: Student
residing at Village Save,
Tal. Sangola, Dist. Solapur

....Petitioner

V/S

1. State Of Maharashtra
through its Secretary, Tribal Development
Department, Mantralaya, Mumbai-400 032
2. Scheduled Tribe Certificate Scrutiny
Committee, Pune Division, Pune
through its Member Secretary, having its
office at Kapil Towers, C-Wing, Near RTO
office, Pune – 1, District – Pune
3. Sub Divisional Officer,
Mangalvedha, Mangalvedha Division,
Dist. Solapur

...Respondents.

AND

(912) WRIT PETITION NO. 14647 OF 2024

Pawankumar Uttam Mane
Age: 30 years, Occ: Student
residing at Village Save,
Tal. Sangola, Dist. Solapur

....Petitioner

V/S

1. State Of Maharashtra
through its Secretary, Tribal Development
Department, Mantralaya,
Mumbai-400 032

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2. Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune through its Member Secretary, having its office at Kapil Towers, C-Wing, Near RTO office, Pune – 1, District – Pune
3. Sub Divisional Officer, Mangalvedha, Mangalvedha Division, Dist. Solapur ...Respondents.

Mr. C. K. Bhangoji for Petitioners in both the Writ Petitions
Mr. V. M. Mali, AGP for the Respondent-State in WP/14646/2024
Ms Reena Salunkhe, AGP for the Respondent-State in WP/14647/2024

**CORAM : RAVINDRA V. GHUGE &
M. M. SATHAYE, JJ.**

DATE : 22nd OCTOBER, 2024.

ORAL JUDGEMENT (Per RAVINDRA V. GHUGE, J):-

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1. **Rule.** Rule is made returnable forthwith and heard finally by the consent of the parties.
2. The Petitioner has put forth prayer clause (a), which reads thus:

“(a) This Hon’ble Court be pleased to issue Writ of Certiorari and or any other Writ, Order or Direction in the nature of Certiorari thereby quashing and setting aside the impugned order dated 23rd February, 2024 passed by the Respondent No. 2 Committee and order dated 23.12.2022 passed by the Respondent No. 3 Competent Authority, with further direction to the Respondent No. 3 to issue Caste Certificate in favour of petitioner as belonging to Koli

Mahadeo, Scheduled Tribe.”

3. Issue is of grant of a Tribe Certificate of ‘Koli Mahadev’ [wrongly spelled in prayer clause (a)].

4. The Petitioner has tendered a family tree before us along with an additional affidavit, dated 22/10/2024 (page nos. 61 to 63). The Petitioner’s Grandfather is Dasu. Dasu’s biological brother is Kundalik. The son of Kundalik, namely Sayaji, has a Tribe Certificate of Koli Mahadev. His son Kundlik also has a Tribe Certificate. Dasu and Kundalik are the sons of Dashrath and grandsons of Tatya. Dashrath has a biological brother namely Dattu. Dattu’s grandson namely Shambhu, son of Shamrao, has a Tribe Certificate.

5. It is a settled law that while granting a Tribe Certificate, it should be assessed as to whether some of the paternal relatives of the claimant have been granted the Tribe Certificate. In the present case, in paragraph no. 5 of the impugned order dated 23/02/2024, issued by the Competent Committee, the relationship of the Petitioner with Sayaji Kundalik Mane and Vijay Ganapat Mane, has not been denied or contradicted. The reason for refusal of the Tribe Certificate is unsustainable. These two persons have been granted the Tribe Certificate, which would be subject to the inquiry by the Caste Validity Committee, as and when such a claim is put forth.

6. Needless to say, if the Petitioner is to be granted the said Tribe Certificate, the same would also be subject to the detailed inquiry as is engrafted in 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 (for short “the said Act”)

7. In view of above, **this Writ Petition is partly allowed.** The impugned order is quashed and set aside.

8. The Petitioner be issued with a Tribe Certificate of ‘Koli Mahadev’ within three weeks from the date of uploading of this order. Needless to state, if the Petitioner proceeds to seek a Validity Certificate on the basis of such Tribe Certificate, all contentions are kept open and the Tribe Scrutiny Committee would verify the claim on it’s own merits and in terms of the provisions of the said Act.

9. **Rule is made partly absolute in above terms.**

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

11. The Petitioner is the biological brother of Rohit, who is the Petitioner in the above Writ Petition. In short, both are siblings. As such, for the reasons assigned while partly allowing the Petition filed by Rohit, **the present Writ Petition is also partly allowed.**

12. The Petitioner - Pawankumar Uttam Mane would be issued with the Tribe Certificate of 'Koli Mahadev', within three weeks from the date of uploading of this order. Needless to state, if the Petitioner-Pawankumar Uttam Mane proceeds to seek a Validity Certificate on the basis of such Tribe Certificate, all contentions are kept open and the Tribe Scrutiny Committee would verify the claim on it's own merits and in terms of the provisions of the said Act.

13. **Rule is made partly absolute in above terms.**

(M. M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)