



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14667 OF 2024

1. Ramesh Shankar Koli,
Age 56 years, Occu. Service,
2. Sharad Ramesh Koli,
Age 29 years, Occu. Education,
3. Savita Ramesh Koli,
Age 32 years, Occu. Education,
4. Prajakta Ramesh Koli,
Age 28 years, Occu. Education
All R/o Shirdhon, Post, Shirol,
Dist. Kolhapur

...Petitioners

Versus

1. The State of Maharashtra
Thr. Its Principal Secretary,
Tribal Development Department,
Mantralaya Mumbai,
2. The Schedule Tribe Caste Certificate
Verification Committee, Pune Division, Pune
3. The Sub Divisional Officer,
Ichalkaranji Division, Ichalkaranji

...Respondents

...
Adv. Ratan L. Aade for the Petitioners
Adv. T. J. Kapre, AGP for Respondent Nos. 1 to 3.
...

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

DATE : 19th 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 yet one more case before us, wherein, the father of Petitioner Nos. 2 to 4 and their grand-father, have Koli Mahadev Scheduled Tribe Certificates and yet Respondent No. 3 has refused to issue the certificates to Petitioner Nos. 2 to 4 on the ground that there is no document to indicate that their ancestors have an entry of Koli Mahadev Schedule Tribe, prior to 1950. The fact that the father and grand-father of Petitioner Nos. 2 to 4, from the paternal side, have the Koli Mahadev Scheduled Tribe Certificate, has been completely ignored. Things have worsened for these Petitioners, by the decision of the Competent Caste Committee, Respondent No. 2, which has delivered an order dated 22nd April, 2024 concluding that the Koli Mahadev Scheduled Tribe Certificate cannot be granted to Petitioner Nos. 2 to 4.

3. We have considered the submissions of the learned

Advocates for the respective sides and the vehement objections raised by the learned AGP. There is no dispute that Petitioner No. 1, Ramesh Shankar Koli is the father of Petitioner Nos. 2 to 4, namely Sharad, Savita and Prajakta (who are siblings). The learned Advocate for the Petitioners has placed an Affidavit dated 16th November, 2024 executed by Petitioner No. 1 Ramesh, setting forth the family tree. The said original Affidavit is taken on record and marked 'X' for identification.

4. It is well settled that in matters of grant of Caste or Tribe Certificates, strict verification exercise under 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, is not contemplated. When any such person holding a Caste or Tribe Certificate approaches the Competent Committee for seeking a validity certificate, the strict test of verification scrutiny has to be made applicable. In several cases, this Court has set aside such orders which have been passed, either mechanically or without proper application of mind. Even costs have been imposed. Yet, the stream of such cases being filed in this Court, which in fact would be unnecessary litigation, seems to continue unabated.

5. Keeping in view that Ramesh and his father Shankar have the Koli Mahadev Scheduled Tribe Certificates, **this Writ Petition is allowed**. Both the impugned orders are quashed and set aside. Respondent No. 3 shall issue Koli Mahadev Scheduled Tribe Certificates, to these 3 Petitioners, with proper spelling, within a period of 15 days from today.

6. The learned AGP has urged us not to impose costs. The learned Advocate for the Petitioners submits that costs have to be imposed, since, these Petitioners have been compelled to approach this Court.

7. As such, we are imposing nominal cost of Rs. 2,500/- on Respondent No. 3 and also on each of the Committee members of Respondent No. 2 Committee, to be paid to Petitioner No. 1 Ramesh Shankar Koli, within a period of 30 days from today.

8. Rule is made absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)