

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

WRIT PETITION NO. 1774 OF 2025

Digvijay Annaso Koli. ... Petitioner
Versus
State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 1775 OF 2025**

Sunil Baban Koli. ... Petitioner
Versus
State of Maharashtra & Ors. ... Respondents.

Mr. C.K. Bhangoji, for the Petitioner.
Mr. A.C. Bhadang, AGP for Respondent/State in WP/1774/2025.
Mr. V.M. Mali, AGP for Respondent/State in WP/1775/2025.

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

DATE : 12th FEBRUARY, 2025

P.C. :

1. This is yet one more case before us, wherein the Petitioner is compelled to litigate on account of the fanciful orders being passed by the SDO as well as the 3 Members Committee, in the matter of issuing a tribe certificate.

2. In both these Petitions, the Petitioners seek a Koli Mahadev,

Schedule Tribe Certificate from the concerned SDO. Digvijay Annaso Koli is the Petitioner in the first Petition. Annaso has received a tribe certificate in 1979. Father of Annaso is Babu who had 3 biological brothers namely, Dadu, Ramu and Laxman. These 4 siblings are the children of Bala Hegappa Koli. The Petitioner in the second Petition namely, Sunil son of Baban is the grand son of Dattatray and great grand son of Dadu. Therefore, Annaso is the first cousin brother of Dattatray and Digvijay is a distant cousin uncle of Sunil.

3. It is well settled that if the father has a certificate of belonging to a particular caste or tribe, the son or a blood relative from the paternal side can not be refused such a certificate. The only caution is that if any of these persons move a proposal for seeking ‘validity’ certificate under 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, the rigors of the Act in testing the authenticity of the claim, will be applicable and such scrutiny will have to be carried out by following the due procedure laid down in law. The same strictness is not to be made applicable when a tribe or a caste certificate is to be issued.

4. In view of the above, **both these Petitions are partly allowed**. The impugned orders are quashed and set aside. The concerned SDO in relation to these Petitioners would issue a Koli Mahadev Schedule Tribe Certificate in the proper format (C-Form) within a period of 21 days from today.

5. Needless to state, if Digvijay or Annaso or Sunil or anybody else relying on this Tribe Certificate moves the Competent Committee for seeking a validity certificate, the procedure as established under the 2000 Act and the law crystallized, would be applicable to such a case in which a vigilance cell inquiry shall be conducted. This Order shall not be cited as a piece of evidence or to gain advantage in such proposal for seeking validity.

6. Since we have cautioned such SDO and Committee Members in hundreds of orders passed by us, as also by imposing nominal cost, yet the SDO and the Committee Members are passing same type of orders. Therefore, once again, we are imposing cost of Rs. 2500/- on the concerned SDO and on each of the members of the concerned Committee, which they shall deposit in this Court, through their salary bank accounts, on or before 7th March, 2025.

7. By consent of the Petitioners, the said amounts shall be donated to the following entity :

Account Name: The High Court Employees Medical
Welfare Fund at Mumbai.

Account Number : 000120110001337.

Bank : Bank of India.

Branch : Mumbai Main

IFSC Code : BKID0000001.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)