

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

WRIT PETITION NO. 1788 OF 2025

Kum. Vaishnavi Pramod Nagtilak,
Minor, through her father and natural
guardian Shri Pramod Shankar Nagtilak. ... Petitioner
Versus
State of Maharashtra & Ors. ... Respondents.

Mr. Balwant Salunkhe, for the Petitioner.
Ms. D.S. Deshmukh, AGP for Respondent/State.

**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. The Petitioner before us is the father of a minor daughter who seeks issuance of a Thakar, Scheduled Tribe Certificate. The Petitioner as a father himself, has a Tribe Certificate and so does his father Shankar. As such the minor daughter for whom a Tribe Certificate

is sought has a father and a grand father, armed with such a certificate.

3. The SDO has rejected the application for the reason that he found certain information to be missing. The Committee has rejected the application presuming that the Petitioner is seeking the Tribe Certificate of Koli Mahadev and the operative part of the impugned order indicates that his prayer for Koli Mahadev Certificate is rejected, when he had actually sought a Thakar Scheduled Tribe Certificate. Presently, the Committee is equipped with 4 members, earlier it used to be only 3 members.

4. It is well settled that if the father has a certificate of belonging to a particular caste or tribe, the daughter 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 a 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 (For short “2000 Act”), the rigors of the Act for testing the authenticity of the claim will have to be carried out by following due procedure laid

down. The same strictness is not to be made applicable when a tribe or a caste certificate is to be issued.

5. In view of the above, the **Petitions are partly allowed**. The impugned order is quashed and set aside. The concerned SDO in relation to this Petitioner would issue a Thakar Schedule Tribe Certificate in the proper format(C-Form) within a period of 21 days from today.

6. Needless to state, if 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 these 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.

7. Since we have cautioned such SDO and the Committee Members, in 100s of orders passed by us, as also by imposing nominal cost, yet the SDO and the Committee Members are passing the same type of orders. Therefore, once again, we are imposing cost of Rs. 2500/- on the concerned SDO and 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.

8. By consent of the Petitioner, 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.)