

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

WRIT PETITION NO. 8637 OF 2023

Kumar Shrimant Phulare & Ors.

... Petitioners

Versus

State of Maharashtra & Ors.

... Respondents

.....
Mr. Rahul Patil a/w Ms. Vaishali Suryawanshi (through VC) for the
Petitioners.

Mr. S.B. Kalel, AGP for the Respondent - State.

.....

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : November 11, 2025.

ORAL ORDER : (Per M.S. Karnik, J.)

1. We have heard learned counsel for the petitioners.
2. We have perused the impugned order dated 23rd September 2022 issued by the Sub-Divisional Officer, Malshiras Division, Akluj. The impugned order proceeds on the footing that the petitioner has not placed on record relevant documents prior to 1950 along with his application. Similar view has been taken by the Scheduled Tribe Validation Committee vide order dated 9th February 2024.

3. Our attention is invited to the order dated 18th March 2025 passed by this Court in *Apeksha Sopan Mane Vs. State of Maharashtra & Ors.* in Civil Writ Petition No. 16538 of 2024 by the Principal Seat. In para 6 of the said order, it is observed thus :-

"6. There cannot be a thumb rule, that only if documents prior to independence are produced, then only Caste / Tribe Certificate is to be granted. It is trite law that at the time of issuance of Tribe/Caste Certificate, the Authorities are required to take a prima facie view. Grant of Tribe Certificate is subject to 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") and the law laid down by the Hon'ble Supreme Court in Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. the State of Maharashtra and Ors. AIR 2023 SC 1657."

4. Learned AGP made an attempt to justify the impugned orders by submitting that not a single document indicating that the petitioner belongs to the Hindu Mahadev Koli Scheduled Caste is produced on record and, therefore, the impugned orders do not need any interference.

5. In light of the observations of this Court in *Apeksha Sopan Mane* (supra), we are satisfied that the issue needs to be reconsidered by the

Sub-Divisional Officer, Malshiras Division, Akhuj. It is trite law that at the time of issuance of Tribe/Caste Certificate, the authorities are required to take a prima facie view. Grant of Tribe Certificate is subject to 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 and the law laid down by the Hon'ble Supreme Court in Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. the State of Maharashtra and Ors. AIR 2023 SC 1657.

6. In view of the above, we quash and set aside the impugned orders and remand the matter to the Sub-Divisional Officer, Malshiras Division, Akhuj for reconsideration.

7. The respondent no.3 – Sub-Divisional Officer shall consider the averments referred to in the petition while deciding the petitioner's application for grant of Caste Certificate as belonging to Koli Mahadev Scheduled Tribe. The Sub-Divisional Officer shall dispose of the said proceedings within a period of eight weeks from the date of communication of this order.

8. The Writ Petition is disposed of in the above terms. There shall be no order as to costs.

[Ajit B. Kadethankar, J.]

[M. S. Karnik]