

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11084 OF 2025

Aditya Anil Koli And Anr

... Petitioners

Versus

The State of Maharashtra And Ors

... Respondents

Mr. Chintamani K. Bhangoji and Adv. S. B. Koli for the Petitioners.
Mr. S. B. Kalel, AGP for the Respondents-State.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.
Date : September 23, 2025.

P. C. :

1. Heard learned Counsel for the parties.
2. Learned Counsel for the Petitioner relied upon decision of this Court in *Jayashri Manik Koli vs. The State of Maharashtra & Ors.* (Writ Petition No. 6667 of 2022 dated 9th June, 2022) to contend that time and again, this Court has observed that while issuing the caste certificate, the concerned authority has to be *prima facie* satisfied. The long drawn enquiry is not contemplated and insistence on the production of the documents of pre-independence era cannot be a condition precedent for issuance of caste certificate.

3. In the facts of the present case we find that this is precisely what the Competent Authority has done by the impugned order dated 11th January, 2023. The Authority should bear in mind that existence of the pre-constitutional document cannot be a condition precedent for issuance of caste certificate. It is for this reason we are inclined to remit the matter back for reconsideration.

4. The Appeal against the said order was dismissed by the Caste Scrutiny Committee by an order dated 22nd May, 2024. We find that in the impugned order passed by the Respondent No. 3-the Sub Divisional Officer (SDO), there is reference to document dated 24th June, 1952 of the Petitioner's uncle Sidgonda Bapu Koli indicating that as per the school leaving certificate the caste is noted as Hindu Mahadev Koli. The Application is rejected on the ground that there are no pre-independence documents produced by the Petitioner in support of his caste claim.

5. The impugned order and the order passed by the Appellate Authority are therefore set aside. In light of the authoritative pronouncement of this Court in *Jayashri Manik Koli (supra)*, the Application of the Petitioner is remitted to the SDO for fresh consideration of the issue regarding the grant of caste certificate. Petition is disposed off.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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