

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.16538 OF 2024**

Apeksha Sopan Mane	]	..	Petitioner
vs.			
State of Maharashtra & Ors.	]	..	Respondents

Mr.C.K. Bhangoji for the Petitioner.

Mr.S.H. Kankal, AGP for the State.

**CORAM : M.S.KARNIK &
ASHWIN D. BHOBE, JJ**

DATE : 18th MARCH, 2025.

ORAL ORDER (PER ASHWIN BHOBE, J) :-

1. Heard Mr. C.K. Bhangoji learned Advocate for the Petitioner and Mr. S. H. Kankal, learned AGP for the State.
2. Challenge in the present petition is to the order dated 23/02/2024, passed by Respondent No.2 (Scrutiny Committee) dismissing the appeal filed by the Petitioner against the order dated 20/07/2023 passed by Respondent No.3 (the Sub-divisional Officer) refusing the application of the Petitioner for grant of Caste Certificate as belonging to Koli Mahadev Scheduled Tribe.
3. The learned counsel for the Petitioner submits that no pre-independence document was available with the Petitioner. He submits

that the Petitioner had placed reliance on various documents along with his application to support his contention of belonging to Koli Mahadev Scheduled Tribe, which are not considered by the Respondent No.2 and 3. He submits the Petitioner would be entitled to the Caste Certificate on the basis of the entry "Koli Mahadev" as recorded in the School Leaving Certificate of Sopan Narhari Mane, father of the Petitioner. He places reliance on the following documents:-

- i) School Leaving Certificate of father viz. Sopan Narhari Mane showing his tribe entry as Mahadev Koli, date of birth as 1.6.1952 and date of admission as 18.6.1958.
- ii) School Admission Register Extract of father viz. Sopan Narhari Mane showing his tribe entry as Mahadev Koli, date of birth as 1.6.1952 and date of admission as 18.6.1958.
- iii. School Leaving Certificate of petitioner showing tribe entry as Mahadev Koli.
- iv. 7/12 Extract.
- v. Genealogy Tree dated 24.4.2023 and 25.4.2023.
- vi. Birth Certificate of aunt of the petitioner."

4. Learned AGP supports the orders passed by the Respondent No.2 and 3.

5. Perused the records. Respondent Nos. 2 and 3 have rejected the Petitioner's request for grant of Caste Certificate on the ground of non availability of pre-independence document.

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 others¹

7. In view of the above, we quash and set aside the orders impugned in the present Petition and remand the matter to Respondent No.3 Authority for reconsideration. Respondent No.3 Authority shall consider the documents referred to in paragraph No.3 (i) to (vi) herein above, while deciding the Petitioner's application for grant of Caste Certificate as belonging to Koli Mahadev Scheduled Tribe. Respondent No.3 Authority shall dispose off the said proceedings within a period of 8 weeks from today.

8. We have not expressed any opinion in the matter and the Respondent No.3 Authority shall decide the matter in accordance with law.

9. The Petition is disposed off in the above said terms. There shall be no orders as to costs.

(ASHWIN D. BHOBE, J.)

(M.S.KARNIK, J.)

Corrected in terms of the order dated 21/03/2025

1 AIR 2023 SC 1657.