

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5881 OF 2025

Kshiraja Prashant Khade
Age : 16 Years, Occu: Education
u/g Prashant Khanderao Khade
Age : 45 Years, Occ. Services
R/o 1265 Sukhsagar Nagar, Katraz
Dist. Pune ...Petitioner

Versus

1. The State of Maharashtra,
Through Its Secretary,
Revenue Department
Mantralaya Mumbai
2. The Sub Divisional Officer
Pune District Pune ...Respondents

Mr. Chintamani Bhangoji a/w Mr. A.S. Bayas, Advocate for the
Petitioner.

Ms. Leena Patil, AGP for the Respondent/State.

Mrs. Pravina Borde, Nayab Tahsildar, present in person.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 2nd MAY, 2025

ORAL JUDGMENT (PER : RAVINDRA V. GHUGE, J.)

1. Leave to add a prayer clauses to assail the order dated
29th April, 2025, by which the Petitioner's application for seeking a

certificate of 'Koli Mahadev Scheduled Tribe' (wrongly mentioned by the Authority in her impugned order as 'Mahadev Koli') has been rejected. Addition of prayer clauses be carried out forthwith.

2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

3. The Petitioner had actually approached this Court for issuance of a Koli Mahadev Scheduled Tribe Certificate by preferring this Petition on 28th April, 2025. On 29th April, 2025, apparently the Incharge Sub-Divisional Officer, Pune has passed the impugned order dated 29th April, 2025. Hence, the Petitioner has put forth the following Prayer Clauses :-

A-1- The Hon'ble Court may please to quash and set aside the impugned order of dated 29.04.2025 (Received on 30.04.2025) (EXHIBIT- 'H') passed by the respondent no. 2 thereby rejected the application for issuance of tribe certificate as belonging to Koli Mahadev Scheduled Tribe by issuing writ of certiorari or any other writ like nature.

D-1 The Hon'ble Court may please to direct the respondent no.2 to forthwith issue the caste certificate of Koli Mahadev Scheduled Tribe to the petitioner so as to upload the same with the form of entrance examination of JEE (Advance) on 02.05.2025 i.e. by issuing writ of mandamus or any other writ like nature.

D-2 Pending hearing and final disposal of the above

writ petition, the impugned order dated 29.04.2025 passed by the respondent no. 2 may kindly be stayed and suspended.

4. We have heard the learned Advocate for the Petitioner and the learned AGP. The Petitioner has placed on record a compilation of 11 pages along with an index, dated 2nd May, 2025, which is marked as 'X' collectively for identification.

5. Upon considering the submissions of the learned Advocate for the Petitioner and the learned AGP, we find that the Petitioner's paternal grandfather Khanderao Anaji Khade has been granted the Koli Mahadev Scheduled Tribe validity certificate, dated 12th July, 2006. The said validity certificate was granted by the Judgment of this Court (Coram : H.L. Gokhale and J.H. Bhatia, JJ.) dated 6th June, 2006, in Writ Petition Nos.95 of 1995, 991 of 2003, 980 of 2003 and 86 of 2003. The paternal grandfather Khanderao along with his son Pravin and daughter Pradnya and a nephew Vishwas, were granted the validity certificates by this Court. It was recorded in the said order that Pravin and Pradnya are the children of Khanderao, who is the son of Anaji. Anaji is one son of Savalaram, who had a brother, namely Gangaram. Gangaram Khade

had four children, namely Pandurang, Namdeo, Dattatraya and Shantabai. Like Pradnya and Pravin, Vishwas was also a grandson of Anaji and his father was Mahadev, who was the biological brother of Khanderao.

6. Initially, the Petitioner had produced the validity certificate of his grandfather. Thereafter he produced the Tribe Certificate of his grandfather Khanderao dated 12th March, 1975. From the impugned order, we find that though the validity certificate of Khanderao has been produced, Rule 4(1) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, requires the production of a Caste or a Tribe Certificate of a close blood relative. By an Application dated 26th January, 2025, the Petitioner is said to have placed on record the Tribe Certificate of his grandfather. On instructions, the tendering of this certificate is not disputed.

7. In view of the above, it is apparent that the Sub-Divisional Officer rejected the claim of the Petitioner only for the purpose of rejecting. The predetermined mindset of Respondent No.2 is visible from the record. It is in these circumstances and

considering that the Petitioner needs a certificate by 4:30 p.m. today, in order to upload the certificate while filling in an application for the JEE (Advance) Examination, we order accordingly.

8. The learned Advocate for the Petitioner is right in contending that the Petitioner, who is a 16 years old girl student, is presently under great anxiety and this is only because of the conduct of Respondent No.2 who has behaved in a heartless manner. We understand the feelings of the Petitioner as are voiced by the learned Advocate.

9. On the point of maintainability of this Petition, it is in view of the above, that we have entertained this Petition directly since the Petitioner normally has to approach the Committee to prefer an Appeal under Rule 8 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, which would not only be cumbersome, but might result in a young student losing a chance of admission.

10. This **Writ Petition is allowed** in terms of Prayer Clauses A-1, D-1 and D-2 and the direction set out in paragraph 7.

11. The learned AGP for the Sub-Divisional Officer submits on instructions that the Sub-Divisional Officer would issue the Koli Mahadev Scheduled Tribe Certificate without any mistake, by 3:30 p.m. today. We direct that the said certificate shall be supplied to the Petitioner on the following E-mail Address that is prashantk999@yahoo.co.in, which has been noted down by the learned AGP to be communicated to Respondent No.2 without waiting for this order to be uploaded on the official website of the Bombay High Court. Parties will act on this order since it is dictated in the open Court at 12:35 p.m. today.

12. For the highhanded conduct of Respondent No.2, the said officer would pay cost of Rs.5,000/- from her salary bank account. The learned Advocate for the Petitioner submits on instructions that the amount be donated for a public cause to the following entity :

National Association for the Blind

Account No. : 3740000100008551

Bank : Punjab National Bank

Branch : Worli Seaface

IFSC Code : PUNB0374000

Hence, registry is ordered to transfer the said amount, accordingly.

13. Let such cost be deposited in this Court within 30 days.

14. **Rule made absolute in the above terms.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)