



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 1848 OF 2024

PETITIONERS

- : 1. Priyanka d/o. Gajanan Ghait, Age – 29
Years, Occ. Housewife, R/o.
Balajinagar, Malkapur, Tq. Malkapur,
Dist. Buldana.
2. Suraj S/o. Gajanan Ghait, Age – 23
Years, Occ. Student, R/o. as above.

//VERSUS//

RESPONDENTS

- : 1. The State of Maharashtra, Department
of Tribal Development, Mantralaya,
Mumbai – 32, through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Amravati
Division, Amravati, Tq. & Dist.
Buldana, through its Member
Secretary.
3. The Sub Divisional Officer, Malkapur,
Tq. Malkapur, Dist. Buldana.

Mr. Ashish Chaware, Advocate for the Petitioners.
Mr. A.S. Fulzele, Addl. G.P. for the Respondents/State.

CORAM : SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.

DATED : 30th SEPTEMBER, 2025.

ORAL JUDGMENT :- (PER : RAJ D. WAKODE, J.)

Heard Mr. Ashish Chaware, learned counsel for the
petitioners.

2. Issue notice to the respondents, returnable forthwith.

3. Mr. A.S. Fulzele, learned Additional Government Pleader waives notice on behalf of the respondents.

4. **RULE.** Rule made returnable forthwith. Heard finally by consent of the parties.

5. The petitioners seek challenge to the impugned order dated 15/06/2023, passed by the respondent No.2 – Committee, thereby rejecting the appeals filed by the petitioners and confirming the order passed by the respondent No.3 – Sub-Divisional Officer, Malkapur, District Buldhana, dated 17/02/2023, thereby refusing to issue Tribe Certificates to the petitioners as belonging to ‘Koli Mahadev’ (Scheduled Tribe).

6. Mr. Ashish Chaware, learned counsel for the petitioners submits that the petitioners are the real brother and sister residing in Village Balajinagar, Tq. Malkapur, Dist. Buldhana. The petitioners claim belonging to ‘Koli Mahadev’ (Scheduled Tribe), which is included in the list of Scheduled Tribes at Serial No.29. Learned counsel contends that the petitioners had submitted applications to the respondent No.3 – Sub-Divisional Officer, Malkapur, District Buldhana for grant of Scheduled Tribe Certificates. The aforesaid applications were submitted on the basis of the old documents pertaining to the school record of the petitioners’ father, wherein the caste entry is recorded as ‘Koli Mahadev’. However, the aforesaid applications of the petitioners were rejected by the respondent No.3 - Sub-Divisional Officer *vide* order dated 14/02/2022. Being aggrieved by the aforesaid order, the petitioners preferred statutory appeals before the respondent No.2 – Committee.

7. Respondent No.2 – Committee, by a common order dated 30/11/2022, remanded the matters back to the Sub-Divisional Officer, Malkapur, for reconsideration. Learned counsel further submits that, after remand, the Sub-Divisional Officer, Malkapur, without considering the documentary evidence, again rejected the applications of the petitioners on the same grounds as earlier by the impugned order dated 17/02/2023. The petitioners again approached respondent No.2 – Committee by filing appeals on 10/04/2023. However, respondent No.2 – Committee, without considering the documentary evidence, rejected the appeals of the petitioners by a common order dated 15/06/2023 and confirmed the order dated 17/02/2023, passed by respondent No.3 – Sub-Divisional Officer, Malkapur, rejecting the applications of the petitioners for issuance of caste certificates as belonging to ‘Koli Mahadev’ (Scheduled Tribe). Being aggrieved by the aforesaid orders, the petitioners have approached this Court.

8. Perusal of the impugned order dated 15/06/2023 reveals that the respondent No.2 – Committee has dismissed the aforesaid appeals on the ground of area restrictions and affinity and maintained the order of the respondent No.3 - Sub-Divisional Officer.

9. Per contra, Mr. A.S. Fulzele, learned Additional Government Pleader, submits that the petitioners have failed to establish, on the basis of the documentary evidence, that they belong to ‘Koli Mahadev’ (Scheduled Tribe) and therefore there is neither perversity nor illegality in the impugned orders passed by respondent Nos.2 and 3. However, the facts remains that Mr. A.S. Fulzele does not dispute the aforesaid position as regards the reason for dismissing the appeals on the ground of area restrictions and affinity.

10. We have heard both the learned counsels for the parties in the matter and perused the entire record and considered the case law cited by the parties.

11. Mr. Ashish Chaware, learned counsel for the petitioners, has relied upon the judgment of this Court in Writ Petition No.2011/2024 (*Ku. Sarvesha Sudhakar Ghugare Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee & Anr.*), dated 23/07/2025.

12. This Court, while dealing with similar issue in Writ Petition No.2011/2024, has held thus:

“8. Learned counsel for the petitioners has relied upon the judgment of this Court in Writ Petition No. 7081 of 2024 (Sushil S/o Rajendra Thakur and others Vs. The Sub Divisional Officer, Daryapur, Dist. Amravati and another) decided on 10th March, 2025. In the said judgment, the identical issue was arose and this Court has recorded its findings in paragraphs 6, 7 and 8 as under:

(6) It is settled position of law that the competent authority under Section 4 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (hereinafter referred to as ‘Act of 2000’) while issuing caste certificate is not entitled to make a detailed enquiry as to the validity of the claim of the petitioners of belonging to particular Caste/Tribe; for that is the job of the Committee constituted under Section 6 of the said Act.

(7) A perusal of the impugned orders dated 15/05/2024 (Annexures 4 to 8) passed by the Sub-Divisional Officer, who is the competent authority in terms of Section 4 of the Act of 2000, would indicate that he has gone into the question of validity of the claim of the petitioners, which is impermissible in law. Thus, it seems that the Sub-Divisional Officer exceeded its jurisdiction while refusing to grant

caste certificates to the petitioners. Similar is the position in respect of the order dated 28/08/2024 passed by the respondent No.2 the Committee. The respondent No.2 Committee has not considered the documents produced on record by the petitioners in their proper perspective.

*(8) Apart from this, the position in this matter is no longer res integra, but it is covered by the judgment of this Court in **Namdeo s/o. Baburao Ingale and ors. vs. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati [2015(2)Mh.L.J.707]**, **Dhanashree Ravindra Koli and others V/s The state of Mah. & ors. In W.P.No.8829/20021 decided on 12/08/21** and followed subsequently in **Vishal Namdeo Gopewad vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, through its Member / Secretary, Yavatmal and another [W. P. No.4335/2023 decided on 01/09/2023]**, in view of which, the impugned orders dated 15/05/2024 passed by respondent No.1 SubDivisional Officer, as well as the decision dated 28/08/2024 passed by the respondent No.2 Committee, are hereby quashed and set aside.*

9. In view of above the said legal position, it is clear that the respondent no.2 while exercising powers under Section 4 of the Act, 2000 is not empowered to go into the question of validity of the claim of the petitioners, the same is not permissible under the provisions of law. Hence, we are of the opinion that respondent no.1 exceeded his jurisdiction while refusing to grant caste certificate to the petitioner.

13. In view of the above settled legal position, it is clear that respondent No.3, while exercising powers under Section 4 of the Act of 2000, was not at all required to enter into the question of validity of the claim of the petitioners. The aforesaid exercise conducted by respondent No.3 was clearly not permissible under the provisions of the law and hence respondent No.3, while rejecting the applications of the petitioners, has exceeded his jurisdiction.

14. Respondent No.2 – Committee, while deciding the appeals filed by the petitioners seeking challenge to the impugned order dated

17/02/2023, passed by respondent No.3 – Sub-Divisional Officer, also exceeded its jurisdiction, as respondent No.2 – Committee went on to decide the appeals as if it was verifying the validity of the caste certificate of the petitioners. Respondent No.2 was not at all justified in dismissing the appeals of the petitioners for grant of caste certificates on the ground that the petitioners have failed to prove their claim on the grounds of area restrictions and affinity. The aforesaid approach of respondent No.2 – Committee in deciding the matter was clearly in violation of the provisions of the Act, so also the law settled by this Court.

15. In view of the above, the impugned orders passed by the respondents are liable to be quashed and set aside. In the circumstances, we pass the following order:

ORDER

(i) Writ petition is **allowed**.

(ii) The impugned order dated 15/06/2023 passed by the respondent No.2 – Committee, so also the order dated 17/02/2023 passed by the respondent No.3 – Sub-Divisional Officer, Malkapur, District Buldhana, are hereby quashed and set aside.

(iii) The respondent No.3 - Sub-Divisional Officer, Malkapur, District Buldhana, is hereby directed to issue caste certificates to the petitioners under Section 4 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, within a period of three weeks from the date of production of this order to his office.

(iv) Respondent No.2 is directed to consider the caste claim of the petitioners if the same is referred as per prescribed procedure, afresh, on the basis of caste certificate issued by respondent No.3 without coming into influence of the findings recorded in the impugned order dated 15/06/2023, passed by respondent No.2 – Committee.

16. Rule is made absolute in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Vijaykumar