



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1321 OF 2024

Vijay S/o Govardhan Patkar,

Aged about 57 years,

Occupation - Service,

R/o. Matodi, Akola,

Tah. and Dist. Akola..

.... **PETITIONER**

// VERSUS //

1) **The Scheduled Tribe Caste Certificate**

Scrutiny Committee,

Through its Member/Secretary,

Bhatkuli Road, Amravati,

District Amravati.

2) **The Sub-Divisional Officer,**

Akola, Tq. and Dist. Akola.

.... **RESPONDENTS**

Ms. Rajashree Kabra, Advocate holding for Mr. S. D. Khati,
Advocate for the Petitioner.

Mr. A. M. Kadukar, Assistant Government Pleader for the
Respondents.

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

DATE ON RESERVING THE JUDGMENT : 07.10.2025

DATE ON PRONOUNCING THE JUDGMENT : 17.10.2025

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith. Matter is taken up for final hearing at the stage of admission by consent of the parties and at the request of parties.

2. By this Writ Petition, the Petitioner is challenging the order dated 25/01/2024, passed by the Respondent No.1 Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short the “Scrutiny Committee”), thereby invalidating the caste claim of the Petitioner to the “Koli Mahadeo” Scheduled Tribe enlisted at Sr. No. 29 in the list of Scheduled Tribes in Constitutional (S.T.) Order 1950 and orders dated 22/08/2023 passed by the Respondent No.2 – Sub-Divisional Officer, Akola thereby rejected the caste claim of the Petitioner.

3. Learned Counsel for the Petitioner submits that the Petitioner belongs to “Koli Mahadeo” Scheduled Tribe therefore submitted an application along with numerous documents to the Respondent No.2 Sub-Divisional Officer, Akola for grant of Scheduled Tribe Certificates, which came to be rejected vide order dated 22/08/2023. Thereafter an appeal was preferred before the Respondent No.1 Scrutiny Committee, wherein the

order dated 22/08/2023 passed by Respondent No.2 was confirmed and dismissed the appeal vide order dated 25/01/2024.

4. It is also submitted that the Respondent no 2 declined caste Certificate on the ground of variance in the dates mentioned in the Kotwal Book extracts pertaining to the Petitioner's grandfather and father. The Respondents also failed to consider the caste certificate issued to the Petitioner's father dated 19/06/1983, which unequivocally mentions the caste as 'Mahadeo Koli' and erred in failing to consider the birth record of Govardhan, son of Manikrao Gangaram (the Petitioner's grandfather), dated 23/07/1925, which clearly and unequivocally records the caste as 'Koli Mahadeo (Scheduled Tribe)'.

5. It is further submitted that the Petitioner had submitted all requisite documents before the Respondent No.2 for issuance of the caste certificate. It was incumbent upon Respondent No.2 to issue the certificate, which would thereafter

be subject to verification by the Scrutiny Committee. However, both respondents have failed to discharge their duties denying justice to the petitioner. It is further contended that this Court has recently dealt with the identical issues in W.P. No. 8327/2022, W.P. No. 11671/2021 (Aurangabad Bench), and W.P. No. 4335/2023, wherein by orders dated 12/01/2023, 07/07/2023, and 01/09/2023, respectively, both the orders passed by the Scrutiny Committee and the Sub-Divisional Officer were set aside, and directions were issued to the Sub-Divisional Officer to issue caste certificates. After the Sub-Divisional Officer (Respondent No. 2) rejected the Petitioner's caste claim on 22/08/2023, and the Scrutiny Committee (Respondent No. 1) went on to adjudicate the caste claim of the Petitioner without there being a caste certificate, thereby dismissing the appeal and confirmed the finding of Respondent no 2 by order dated 25/01/2024.

6. As against this, the Respondents contended that they rejected the petitioner's request for a caste certificate of "Koli Mahadev" (Scheduled Tribe) because of variance in respect of

dates mentioned in Kotwal Book extract pertaining to grandfather and father of the Petitioner, resultantly declining caste certificate to the Petitioner, subsequently the Respondent No.1 went on to adjudicate the matter on the ground of variance in the extracts of Kotwal Book.

7. Heard both the parties at length. Perused the documents placed on record.

8. We are placing reliance on ***Writ Petition No.2011/2024*** wherein an identical issue had arisen, and dealt by this Court and relevant portions are reproduced as under :

“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 [WP

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 the above settled legal position, it is evident that Respondent No. 2, while exercising powers under Section 4 of the Act of 2000, was not required to delve into the question of validity of the Petitioner's caste claim. Such an exercise was clearly impermissible under the provisions of law, and therefore, the Respondent No. 2, by rejecting the Petitioners' application, acted beyond the scope of his jurisdiction.

10. Similarly, Respondent No. 1 – the Scrutiny Committee – while deciding the appeal preferred by the Petitioner against the impugned order passed by respondent No. 2, also exceeded its jurisdiction. The Committee proceeded to decide the appeal despite no caste certificate being issued by Respondent No. 2 to the Petitioner, adjudicating upon the validity without there being any caste certificate, which was not at all within its function at that stage. The respondent No. 1 was

not justified in dismissing the appeal on the grounds of variance in Kotwal Book extract. Such an approach was contrary to the provisions of the Act and inconsistent with the law laid down by this Court.

11. In view of the foregoing discussion, the impugned orders passed by both respondents are liable to be quashed and set aside. Accordingly, the following order is passed:

- (i) Writ Petition is allowed.
- (ii) The impugned order dated 25/01/2024 passed by the Respondent No. 1- Caste Scrutiny Committee, Amravati, so also the order dated 22/08/2023 passed by the Respondent No. 2- Sub Divisional Officer, Akola are hereby quashed and set aside.
- (iii) The Respondent No. 2 - Sub Divisional Officer, Akola, is hereby directed to issue a Caste Certificate to the Petitioner 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. 1 is directed to consider the caste claim of the Petitioner if the same is referred as per prescribed procedure, afresh, on the basis of caste certificate issued by the Respondent No. 2 without coming into influence of the findings recorded in the impugned order dated 25/01/1024 passed by the Respondent No. 1- Committee.

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

(RAJ D. WAKODE, J.)

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