



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

WRIT PETITION NO. 1322 OF 2024

1. Sunil S/o Bhimrao Ghawat,
aged 48 years, Occ. Service
2. Ku. Prapti D/o Sunil Ghawat,
aged 17 years, Occ. Student
3. Ku. Krisha Sunil Ghawat,
aged 13 years, Occ. Student
No. 2 and 3 being Minor through their
natural guardian father i.e. petitioner
No.1.

All R/o Ghusarwadi, Post Mhatodi, Tq.
And District Akola

...Petitioners

// VERSUS //

1. The Scheduled Tribe Caste Certificate
Scrutiny Committee, through its
Member/Secretary, Bhatkuli Road,
Amravati, Dist. Amravati
2. The Sub-Divisional Officer, Akola, Tq.
& Dist. Akola

... Respondents

Ms. Rajshree S. Kabra, Advocate h/f Shri S.D.Khati, Advocate for the
petitioners.

Shri S.B. Bissa, AGP for the respondent nos. 1 and 2.

**CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATED : 23rd JULY, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

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

2. By this petition, the petitioners are challenging the order passed by the respondent no.1 - Committee dated 29th December, 2023 by which the respondent no.1 confirmed the impugned order dated 26th September, 2023 passed by the respondent no.2 – Sub Divisional Officer, Akola to refuse to issue caste certificate to petitioners under Section 4 of 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 (hereinafter referred as 'Act, 2000').

3. It is the submission of the petitioners that they had approached to the respondent no.2 to get the caste certificate under Section 4 of Act, 2000 by asserting the fact on affidavit that record pertaining to 1930 to 1950 at Tahsil Office at Akola being torn, they are unable to file pre-independence documents showing the caste of ancestors as 'Mahadeo Koli'. However, the respondent no.2 without considering the affidavit of petitioners by order dated 26th September, 2023 refused to

grant the caste certificate by stating the reason that, as petitioners failed to produce the documents of pre-independence and more particularly before the cut-off date to establish that they belongs to caste of 'Mahadeo Koli', rejected the application.

4. Petitioners against the order of respondent no.2 dated 26th September, 2023 preferred appeal before respondent no.1-Committee. The respondent no.1-Committee in absence of Caste Certificate went on to adjudicate the caste claim on merits. Accordingly, rejected the appeal by holding that petitioners failed to prove their caste as 'Mahadeo Koli'.

5. Learned Assistant Government Pleader appearing on behalf of the respondent nos. 1 and 2 submitted that though the respondent no.2 rejected the application of petitioners, they have verified the caste claim of the petitioners and verified the oldest documents filed by the petitioners along with their application. It is the submission of the respondent nos. 1 and 2 that the said documents do not prove the caste claim of the petitioners and therefore according to them the order passed by the respondent nos. 1 and 2 is justified in the matter.

6. 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, De-notified 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 Sub-Divisional Officer, as well as the decision dated 28/08/2024 passed by the respondent No.2 Committee, are hereby quashed and set aside.

7. Learned counsel for the petitioners pointed out finding recorded in the judgment of this Court in Writ Petition No. 4335 of 2023 (*Vishal Namdeo Gopewad Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, through its Members / Secretary, Yavatmal and another*). In the said judgment, this Court has observed that though Rule 3 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 (in short hereinafter referred as 'Rules, 2003') requires an applicant to furnish attested copies of the documents mentioned in clause (a) to (f) thereof, Sub-Rule (4) of Rule 3 permits such applicant to file an affidavit and indicate reasons if the applicant is unable to produce one or more of such documents referred to in Rule 3(a) to (f). It is, thus, clear that if the applicant furnishes reasons for his inability to produce such documents, same have

to be considered by the competent authority and after conducting enquiry, if found necessary, the claim has to be decided.

7. In the present case as stated above, the petitioners along with application filed affidavit before the respondent no.2 stating that record pertaining to 1930 to 1950 of Tahsil Office, Akola is torn, therefore unable to produce documents belonging to the caste of 'Mahadeo Koli'. Therefore, considering the above said legal position of law, respondent no.2 committed error in rejecting application. Furthermore, respondent no.1-Committee without considering Rules 3 and 4 of Rules, 2003 considered the proceeding as if it was deciding the claim for seeking validity certificate. Hence, we find that orders passed by respondent nos. 1 and 2 are not sustainable in the eyes of law. Hence, for the aforesaid reasons, we pass the following order.

- i. Writ petition is allowed.
- ii. The order dated 26th September, 2023 passed by the respondent no.2-Sub Divisional Officer, Akola is hereby quashed and set aside. Consequently, the order dated 29th December, 2023 passed by the respondent no.1-Committee is also quashed and set aside.

iii. The respondent no.2 - Sub Divisional Officer, Akola, Dist. Akola is directed to issue the caste certificate to the petitioner under Section 4 of Act, 2000 and respondent no.1 - The Scheduled Tribe Caste Certificate Scrutiny Committee is directed to decide the validity of the caste claim of the petitioners after production of caste certificate issued by the respondent no.2 as per the procedure prescribed.

No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]