



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

WRIT PETITION NO. 2011 OF 2024

Ku. Sarvesha Sudhakar Ghugare
Aged 21 years, Occ. Education
R/o Post Rail, Tq. Akot,
Dist. Akola

...Petitioner

// VERSUS //

1. The Scheduled Tribe Caste Certificate Scrutiny Committee, through its Member / Secretary, Bhatkuli Road, Amravati, Dist. Amravati
2. The Sub-Divisional Officer, Akot, Tq. Akot, 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 petitioner is challenging the orders dated 24th July, 2023 and 27th October, 2022 passed by the respondent no.2 –

Sub Divisional Officer, Akot, Dist. Akola and order dated 12th February, 2024 which is confirmed by the respondent no.1-Committee whereby respondents refused to issue the 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 (hereinafter referred as 'Act, 2000').

3. In brief, it is the submission of the petitioner that she belongs to caste of 'Koli Mahadeo' which falls under Scheduled Tribe category. Accordingly, the present petitioner applied for caste certificate to the respondent no.2 on 9th July, 2022 through online. In support of her application, she had enclosed in all 12 documents to substantiate the fact that she belongs to caste of 'Koli Mahadeo'. The respondent no.2 by order dated 27th October, 2022 rejected the caste claim by holding that the documents produced by the petitioner are not sufficient to prove that she belongs to caste of 'Koli Mahadeo' and thereby rejected her application. Against the order of respondent no.2 dated 27th October, 2022, the petitioner preferred the appeal before the respondent no.1-

Committee. The respondent no.1-Committee considered the submission of the petitioner and thereby vide order dated 28th April, 2023 remanded back the matter to the respondent no.2.

4. Respondent no.2 after remanding back of the matter, again by order dated 24th July, 2023 rejected the application and confirmed his order which he had passed on 27th October, 2022. Petitioner against the said order approached to the respondent no.1-Committee. The respondent no.1-Committee this time in absence of caste certificate proceeded to decide the caste claim of the petitioner on merits and by recording the findings that petitioner did not possess the documentary evidence to establish her caste as 'Koli Mahadeo' rejected the appeal vide order dated 12th February, 2024 and thereby confirmed the order passed by the respondent no.2.

5. In the backdrop of above said factual position, petitioner approached to this Court challenging the order of respondents dated 24th July, 2023 and 12th February, 2024.

6. Per contra, the submission of the learned Assistant Government Pleader is that as petitioner failed to establish on the basis of

documentary evidence that she belongs to 'Mahadeo Koli', there is no perversity nor any illegality in the orders passed by the respondent nos. 1 and 2. As such, learned Assistant Government Pleader supported the reasoning recorded in the impugned orders and thereby prayed to dismiss the present petition.

7. We have heard both the learned counsels in the mater and perused the entire record and considered the case law cited by the parties.

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, 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.

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 gone 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.

10. It is further stated that the respondent no.1 can exercise its powers to verify the caste validity on the basis of caste certificate produced before him by the applicant. However, in the present case in the absence of caste certificate issued by the respondent no.2, proceeded to decide the caste claim. Hence, the manner in which the respondent no.1 -Committee proceeded to decide the matter was per-se illegal.

11. In the circumstances, the impugned orders passed by the respondents are liable to be quashed and set aside and accordingly we deem it fit to pass the following order.

i. Writ Petition is allowed

ii. The impugned order dated 24th July, 2023 passed by the respondent no.2 - Sub Divisional Officer, Akot in Case No. रा.मा.क.एम.आर. सी.81 /रैल पुनःरिक्षण अपील / 06 / 2022-2023 is hereby quashed and set aside.

iii. The impugned order dated 12th February, 2024 passed by the respondent no.1 – Committee in Case No.एसहआ /अजप्रतस /अम /अपील /घुगरे / 2023 is hereby quashed and set aside.

iv. The respondent no.2 is hereby directed to issue caste certificate to the petitioner under Section 4 of the Act, 2000 within a period of three weeks from the date of production of this order to his office.

v. Respondent no.1 is directed to consider the caste claim of the petitioner if same is referred as per prescribed procedure, afresh, on the basis of caste certificate issued by the respondent no.2 without coming into influence the findings recorded in the impugned order dated 12th February, 2024.

No order as to costs.

[PRAVIN S. PATIL, J.]

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