



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

WRIT PETITION NO.6774/2024

|                      |                                                                                                                                              |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <u>PETITIONER :</u>  | Pratik S/o Kailash Kale,<br>Aged 29 years, Occ. Agriculturist,<br>R/o Nandarun, Tq. Daryapur,<br>Dist. Amravati.                             |
| <u>...VERSUS...</u>  |                                                                                                                                              |
| <u>RESPONDENTS :</u> | 1. The Scheduled Tribe Caste<br>Certificate Scrutiny Committee,<br>Through its Member/Secretary,<br>Bhatkuli Road, Amravati, Dist. Amravati. |
|                      | 2. The Sub-Divisional Officer,<br>Daryapur, Tq. Daryapur, Dist. Amravati.                                                                    |
|                      | Mr. S.D. Khati and Ms Rajshree Kabra, Advocates for<br>petitioner                                                                            |
|                      | Mr. P.P. Pendke, AGP for respondents                                                                                                         |

WITH

WRIT PETITION NO.6814/2024

|                      |                                                                                                                                              |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <u>PETITIONER :</u>  | Pankaj S/o Janakrao Kale,<br>Aged 38 years, Occ. Agriculturist,<br>R/o Nandarun, Tq. Daryapur,<br>Dist. Amravati.                            |
| <u>...VERSUS...</u>  |                                                                                                                                              |
| <u>RESPONDENTS :</u> | 1. The Scheduled Tribe Caste<br>Certificate Scrutiny Committee,<br>Through its Member/Secretary,<br>Bhatkuli Road, Amravati, Dist. Amravati. |
|                      | 2. The Sub-Divisional Officer,<br>Daryapur, Tq. Daryapur, Dist. Amravati.                                                                    |

|  |                                                                |
|--|----------------------------------------------------------------|
|  | Mr. S.D. Khati and Ms Rajshree Kabra, Advocates for petitioner |
|  | Mr. A.M. Joshi, AGP for respondents                            |

|                       |                             |
|-----------------------|-----------------------------|
| <b><u>CORAM</u> :</b> | <b>AVINASH G. GHAROTE</b>   |
|                       | <b>AND</b>                  |
|                       | <b>ABHAY J. MANTRI, JJ.</b> |
| <b><u>DATE</u> :</b>  | <b>04/03/2025</b>           |

**J U D G M E N T :** (PER : AVINASH G. GHAROTE, J.)

5

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Counsels for the parties.

2. The petitions question the order, dated 17/04/2023 passed by the Sub Divisional Officer, refusing to grant certificate to the petitioners of belonging to the 'Scheduled Tribe Koli Mahadeo' on the ground that the petitioners are not entitled to it, which order has been confirmed by the Committee in appeal by its decision dated 29/12/2023 (pg.21).

3. It is a 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 (for short hereinafter, “Act of 2000”) while granting caste/tribe certificate is not entitled to make a detailed enquiry as to the validity of the claim of the petitioners of belonging to a particular caste/tribe, for that is the job of the Committee under Section 6 of the Act of 2000.

5

4. A perusal of the impugned decision, dated 17/04/2024, passed by the learned Sub Divisional Officer, who is the Competent Authority in terms of Section 4 of the Act of 2000 indicates that he has gone into the question of validity, of the claim of the petitioners, which is impermissible in law. Similar is the position in respect of the order, dated 29/12/2023 passed by the Scrutiny Committee. The position in this matter is no longer *res integra* but is covered by the judgment of this Court in *Vishal Namdeo Gopewad Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, through its Member/Secretary, Yavatmal and another (Writ Petition No.4335/2023 and connected matter decided on 01/09/2023)*, in view of which, the impugned order, dated 17/04/2023, passed by the Sub Divisional Officer as well as the decision, dated 29/12/2023 passed by the Scrutiny Committee are hereby quashed and set aside and the respondent No.2, is directed to issue a tribe certificate to the petitioners by following the procedure as provided in Section 4 of the

10

15

20

Act of 2000 and Rule 3 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 within a period of four week from today. The writ petitions are allowed accordingly.

5. Rule is made absolute in the above terms. No order as to costs. 5

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)