



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

**WRIT PETITION NO. 416 OF 2025
WITH
WRIT PETITION NO. 98 OF 2025
WITH
WRIT PETITION NO. 58 OF 2025**

WRIT PETITION NO. 416 OF 2025

Ajinkya S/o Santosh Koltakke,
Aged about 25 years, Occu.- Education,
R/o. Pati, Post Keliweli,
Tah. & Dist. Akola. **PETITIONER**

// VERSUS //

In all Petitions'
cause title, Name
of Respondent
No.1 is corrected
as per order
dt.16.10.2025
passed in Note.

- 1) **The Scheduled Tribe Caste
Certificate Scrutiny Committee,**
Through its Member/Secretary,
Bhatkuli Road, Amravati,
Dist. Amravati.
- 2) **The Sub-Divisional Officer,**
Akola, Tq. and Dist. Akola. **RESPONDENTS**

WITH

WRIT PETITION NO. 98 OF 2025

Karan S/o Santosh Koltakke,
Aged about 25 years, Occu.- Education,
R/o. Pati, Post Keliweli,
Tah. & 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,**
Akola, Tq. and Dist. Akola. **RESPONDENTS**

WITH

WRIT PETITION NO. 58 OF 2025

Asmita D/o Santosh Koltakke,
Aged about 24 years, Occu.- Education,
R/o. Pati, Post Keliweli,
Tah. & 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,**
Akola, Tq. and Dist. Akola. **RESPONDENTS**

Ms. Rajashree Kabra, Advocate h/f. Mr. S. D. Khati, Advocate
for the Petitioners.
Mr. J. Y. Ghurde, Assistant Government Pleader for the
Respondents/State.

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

DATE ON RESERVING THE JUDGMENT : 07.10.2025
DATE ON PRONOUNCING THE JUDGMENT : 09.10.2025

COMMON 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. Since the issue involved in these writ petitions is similar and since the Petitioners are brothers and sister, the same are decided by this common judgment.
3. By these Writ Petitions, the Petitioners are challenging the order dated 27/09/2024 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 Petitioners to the “Koli Mahadeo” Scheduled Tribe enlisted at Sr. No. 29 in the list of Scheduled Tribes in Constitutional (S.T.) Order 1950 and order dated 20/05/2024 passed by the Respondent No.2 thereby rejected the caste claim of the Petitioner.

4. Learned counsel for the Petitioners submits that the Petitioners had submitted applications along with numerous documents through his father to the Respondent No.2 Sub-Divisional Officer, Akola for grant of Scheduled Tribe Certificates, which came to be rejected vide order dated 08/08/2023. Thereafter an appeal was preferred before the Respondent No.1 Committee, wherein the order dated 08/08/2023 passed by Respondent No.2 was set aside and remitted back to the authority.

5. It is further contended that the respondent No. 2, after examining the documents submitted by the Petitioners, concluded that the Petitioners have not fulfilled the requirement regarding area restriction, specifically relating to migration from Nashik, Ahmednagar, Pune, Thane, and Raigarh to Akola. Furthermore, since the Petitioner's grandfather Suryabhan Shankar, was recorded as belonging to the Koli caste in a sale deed dated 23/05/1947, this being a revenue record with higher evidentiary value, the respondent No. 2, by order dated 31/05/2023, refused to issue a caste certificate to the

Petitioners. It is to be noted that Respondent No. 2 did not register the Petitioner's proceeding hence, the order dated 31/05/2023 does not indicate its registration. The respondent authorities failed to consider the caste certificate issued in favour of the petitioners' father, Santosh Suryabhan Koltakke, dated 19.03.1994, which unequivocally records his caste as Koli Mahadeo (Scheduled Tribe).

6. It is further submitted that the petitioners 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, thereby 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. 416/2023, wherein by orders dated 12/01/2023, 07/07/2023, and 06/09/2024, 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 31/05/2023, and the Scrutiny Committee (Respondent No. 1) upheld the same on 13/09/2023, the Petitioners filed W.P. No. 7913/2023 before this Court. By order dated 15/03/2024, this Court quashed and set aside both the orders and remanded the matter for fresh consideration.

7. The Petitioners further contended that pursuant to the remand, Respondent No. 2 again rejected the Petitioner's claim by order dated 20/05/2024, which was confirmed by Respondent No. 1 through order dated 27/09/2024 in Writ Petition No.416/2025, Writ Petition Nos.98/2025 and 58/2025, thereby again denying issuance of the caste certificate, which are the substance of challenge in these petitions.

8. As against this, the Respondents contended that they rejected the petitioner's request for a caste certificate of "Koli Mahadev" (Scheduled Tribe) because the documentary evidence, specifically a sale deed dated 23.05.1947, showed the

petitioner's grandfather's caste as "Koli," which belongs to the Special Backward Class, not Scheduled Tribe. The respondent asserted that the Petitioners failed to provide valid prior to 1950 evidence proving Scheduled Tribe status as required under the Maharashtra Scheduled Castes, Scheduled Tribes, Vimukta Castes, Other Backward Classes, and Special Backward Class Caste Certificate (Regulation of Verification) Act, 2000/2003, and therefore, the order dated 20.05.2024 rejecting the certificate was lawful and proper.

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

10. We are placing reliance on **Writ Petition No.2011/2024** wherein similar issues were 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 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.”

11. 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 petitioners' caste claim. Such an exercise was clearly impermissible under the provisions of law, and therefore, respondent No. 2, by rejecting the petitioners' applications, acted beyond the scope of his jurisdiction.

12. Similarly, respondent No. 1 – the Scrutiny Committee while deciding the appeals preferred by the petitioners against the impugned order passed by respondent No. 2, also exceeded its jurisdiction. The Committee proceeded to decide the appeals as if it were adjudicating upon the validity of the caste certificates, which was not its function at that stage. Respondent No. 1 was not justified in dismissing the appeals on the grounds that the petitioners failed to establish their claim with respect to area restriction and affinity. Such an approach was contrary to the provisions of the Act and inconsistent with the law laid down by this Court.

13. 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:

ORDER

- (i) All the Writ Petitions are allowed.
- (ii) The impugned order dated 27/09/2024 passed by the Respondent No. 1 – Caste Scrutiny Committee, so also the order dated 20/05/2024 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 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. 1 - Caste Scrutiny 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 the Respondent No. 2 without coming into influence of the findings recorded in the impugned order dated 27/09/2024 passed by the Respondent No. 1 - Caste Scrutiny Committee.

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

(RAJ D. WAKODE, J.)

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