



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

WRIT PETITION NO. 7081 OF 2024

- 1) Sushil S/o Rajendra Thakur
age : 38 years, Occ : Labour
- 2) Swaroop S/o Sushil Thakur
age : 6 years, through natural
guardian father petitioner No.1
- 3) Tushar S/o Rajendra Thakur
age : 40 years, Occ : Service
- 4) Prasad S/o Rajendra Thakur
age : 34 years, Occ : Service
- 5) Sandip S/o Rajendra Thakur
age : 32 years, Occ : Service
All R/o Samruddhi Nagar,
Opp. New Teacher's Colony,
Dhamandari Buldhana,
Dist.Buldhana

.. **Petitioners**

Versus

- 1) The Sub-Divisional Officer,
Daryapur, Dist. Amravati
- 2) The Deputy Director/Member
Secretary Scheduled Tribe Certificate
Scrutiny Committee, Amravati

.. **Respondents**

 Ms. Preeti Rane, Advocate for petitioners.

Mr. S.V. Narale, Assistant Government Pleader for respondents.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : **MARCH 10, 2025**

ORAL JUDGMENT (Per : Abhay J. Mantri, J.)

Heard. **Rule.** Heard finally, by the consent of the learned
 counsel appearing for the parties.

(2) The petition questions the orders dated 15/05/2024 (Annexures 4 to 8) passed by the respondent No.1 Sub-Divisional Officer, Daryapur, refusing to grant certificates to the petitioners of belonging to "Thakur", Scheduled Tribe on the ground that petitioners failed to satisfy the affinity test, also on the point of area restriction. These orders have been confirmed by the respondent No.2 Scheduled Tribe Certificate Scrutiny Committee (for short - '**the Committee**') in appeal/Thakur-5 No.05/2024 by its decision dated 28/08/2024 (Annexure 17).

(3) The learned counsel for the petitioners vehemently contended that the respondent No.1 Sub-Divisional Officer exceeded its jurisdiction and, without considering the provisions laid down in Rule 4 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Rules, 2003, erred in refusing to grant caste certificates to the petitioners. The respondent No.1 Sub-Divisional Officer is not permitted to make a detailed enquiry while issuing a caste certificate. Therefore, refusing to grant a caste certificate by the respondent No.1 Sub-Divisional Officer is illegal and bad in law and contravenes the Rules and Regulations of 2003. Also, the findings recorded by the respondent No.2 Committee & confirmed that orders are illegal. The respondent No.1 Sub-Divisional Officer, as well as respondent No.2 Committee, has not considered the fact that the petitioners have produced caste certificates of their ancestors and a validity certificate

issued in favour of their blood relative, namely, Bhushan Thakare, and therefore urged for allowing the petition.

(4) Learned Assistant Government Pleader has not disputed the proposition of law that the respondent No.1 Sub-Divisional Officer has no authority to make a detailed enquiry of the claim of the petitioners and, therefore, submitted, to pass appropriate orders.

(5) We appreciate the submissions and have perused the impugned orders and record.

(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) The respondent No.1 Sub-Divisional Officer is directed to issue caste certificates in favour of the respective petitioner by

following the procedure under Section 4 of the Act of 2000 and Rule 3 of the Rules, 2003, within a period of four weeks from the date of receipt of the copy of this judgment. The writ petition is allowed accordingly.

(10) Rule is made absolute in the above terms. No costs.

[ABHAY J. MANTRI, J.]

[AVINASH G. GHAROTE, J.]

KOLHE