



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

WRIT PETITION NO. 1502 OF 2024

PETITIONER :

1. Pratiksha d/o Vijay Sonone, Age-19 years, Occu.: Student, R/o Vaibhavlaxmi Nagar, Buldana Road, Malkapur, Tq. Malkapur, Dist. Buldana.
2. Yash s/o Vijay Sonone, Age-14 years, Occu.: Student, U/g of father-Vijay S/o Shivram Sonone, Age-48 years, Occu. Service, R/o As above.

-Versus-

NON-APPLICANTS :

1. The State of Maharashtra, Department of Tribal Development, Mantralaya Mumbai – 32. Through its Secretary,
2. The Scheduled Tribe Certificate Scrutiny Committee, Amravati Division, Amravati Tq.& Dist. Buldana. Through its Member Secretary.
3. The Sub-Divisional Officer, Malkapur, Tq. Malkapur, Dist. Buldana.

Mr.Ashish Chaware, Adv. for the petitioners.
Ms.H. N. Jaipurkar, Kavita Bhondge, AGP for the respondents-State.

**CORAM: SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED : 4TH NOVEMBER, 2025

O R A L J U D G M E N T (Per : Smt. M. S. Jawalkar, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. The grievance of the petitioners is that they applied for grant of caste certificate to the Competent Authority along with their affidavits and documents. However, the Competent Authority rejected their applications for grant of caste certificate and exceeded jurisdiction by invalidating the caste claim vide order dated 17/02/2023. Being aggrieved by the order of Competent Authority, the petitioners filed appeal before the Caste Scrutiny Committee. However, the Caste Scrutiny Committee also instead of deciding the appeal on its own merits, invalidated the caste claim of the petitioners vide order dated 15/06/2023, which is unsustainable and not permissible in the eye of law. The Scrutiny Committee has to validate or invalidate the caste certificate issued by the Competent Authority. If there is no certificate issued in favour of petitioners, the Scrutiny Committee has to refer its finding in appeal whether the order passed by the Competent Authority refusing to issue caste certificate in favour of petitioners is proper or not. The learned counsel for the petitioners relied on the judgment in *Writ Petition No.2011 of 2024*

(Ku.Sarvesha Sudhakar Ghugare v. The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and another), wherein this Court relied on the judgment in *Writ Petition No.7081 of 2024 (Sushil s/o Rajendra Thakur and others v. The Sub-Divisional Officer, Daryapur, Distt. Amravati and another)* and reproduced paras-8, 9 and 10 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, 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 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.

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.”

3. The present petition is squarely covered by the above referred judgment. Both the orders passed by the Competent Authority dated 17/02/2023 and the impugned order passed by the Scrutiny Committee dated 15/06/2023 are liable to be quashed and set aside, as the same are passed by exceeding their jurisdiction.

4. Accordingly, the writ petition is allowed.

5. The impugned order dated 17/02/2023 passed by the Competent Authority and the impugned order passed by the Scrutiny Committee dated 15/06/2023 are hereby quashed and set aside.

6. The respondent No.3-Sub-Divisional Officer, Malkapur is hereby directed to issue caste certificate 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.

7. After the caste certificate is issued, the respondent No.2 is directed to consider the caste claim of the petitioners if the same is

referred as per the prescribed procedure afresh on the basis of caste certificate issued by the respondent No.3 on its merits as per law.

8. The petitioners to appear before the respondent No.3-Sub-Divisional Officer, Malkapur on 14/11/2025 along with copy of this judgment.

9. Rule is made absolute in the above terms. No costs.

(M.W.CHANDWANI, J)

(SMT.M. S. JAWALKAR, J)