



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

WRIT PETITION NO. 2924 OF 2024

Tushar Maroti Shirsat

-Vs.-

The Scheduled Tribe Caste Certificate Scrutiny
Committee, Amravati and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Ms Rajshree S. Kabra, Adv. h/f Mr. S.D.Khati, Adv. for the petitioner.
Mr. A.A.Madiwalee, AGP for the respondents-State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 26TH MARCH, 2025

The petition questions the decision dated 31/05/2023, passed by the Sub-Divisional Officer (SDO) in exercise of the power 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 "Act of 2000") read with Rule 5 of the Caste Certificate Rules, 2012 (for short "Rules of 2012"), which rejects the claim of the petitioner of belonging to 'Mahadeo Koli' scheduled tribe category. Before the SDO, the petitioner did not place on record the certificate dated 11/03/1985, granted to his father. Though it was placed before the Committee in appeal, by the decision dated 12/02/2024, the appeal has been rejected. It is contended, that at the stage of

considering an application for grant of a caste certificate, all that is required, is for the Committee to follow the procedure as indicated in Rule 5 of the Rules of 2012, which are akin to Rule 5 of the Maharashtra Scheduled Tribe (Regulation of Issuance and Verification of) Certificate Rules of 2003 (for short “Rules of 2003”) and in depth enquiry in this regard is not permitted, that being the job of the Committee in the exercise of the power under Section 6 of the Act of 2000, however, both the SDO, as well as the Committee have acted, as in the claim of the petitioner was under Section 6 of the Act of 2000, on account of which, the impugned orders cannot be sustained and are hereby required to be quashed and set aside.

2. Mr. Madiwale, learned AGP for the respondents-State, does not dispute, that in terms of the mandate of Section 4 of the Act of 2000 read with Rule 4 of the Rules of 2003 and Rule 5 of the Rules of 2012, all that is required to be done, is to have a *prima facie* view of the matter and it is the job of the Committee under Section 6 of the Act of 2000 to test the claim in case validity is being sought for. A perusal of the impugned orders would indicate, that the SDO as well as the Committee, have acted as if, it was considering the claim under Section 6 of the Act of 2000, which according to us, is not permissible, considering the nature and mandate of Section 4 of the Act of 2000 read with Rule 4 of the Rules of 2003 and Rule 5 of the Rules of 2012. It is an equally admitted position, that the certificate dated 11/03/1985, issued to the father of the petitioner was not placed before the SDO while considering the claim

under Section 5 of the Act of 2000. Though it was placed before the Committee as indicated above, the Committee has entertained the appeal, as it was exercising power under Section 6 of the Act of 2000, which is not permitted at this stage. We, therefore, hereby quash and set aside the impugned orders and remand the matter back to the SDO for considering the claim of the petitioner afresh in light of the certificate dated 11/03/1985 granted in favour of his father. The petitioner shall appear before the respondent No.2 on 07/04/2025 without further notice being required to be issued in that regard. The petition is accordingly allowed in the above terms. No order as to costs.

(ABHAY J. MANTRI,J) (AVINASH G. GHAROTE, J)