



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

WRIT PETITION NO. 3819 OF 2024

Akash S/o Kailash Mankar,
Aged 36 years, Occu.NIL,
R/o Ravi Nagar, Near Santaji Nagar,
Akola, Tah. & Dist. Akola.

.....PETITIONER.

-VERSUS-

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

.....RESPONDENTS.

Ms. Rajashree S. Kabra, Adv. h/f Mr. S. D. Khati, Adv. for the petitioner.
Mr. Ambarish Joshi, AGP for the respondents- State.

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

DATE : 5th APRIL, 2025

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

Heard. **Rule.** Rule is made returnable forthwith by the consent of
the learned counsel for the parties.

2. The petition questions the order dated 22/02/2024 passed by
respondent No. 2, Sub-Divisional Officer, thereby rejecting the petitioner's

application for the grant of a caste certificate, which was confirmed by respondent No. 1 vide order dated 03/05/2024. Hence, this petition.

3. The learned counsel for the petitioner drew our attention to the genealogical tree and submits that the validity certificate was issued in favour of the petitioner's uncle, Vikas, and therefore, the petitioner is also entitled to get a caste certificate. However, the respondent No.2-Sub-Divisional Officer, as well as the respondent No.1-Scrutiny Committee, have not considered the said fact and erred in rejecting the claim of the petitioner on the ground that no vigilance enquiry was conducted at the time of issuance of the validity to the uncle of the petitioner. Therefore, he urges allowing the petition.

4. The learned A.G.P has not disputed the proposition of law that the respondent No.2-Sub-Divisional Officer has no authority to make a detailed enquiry of the claim of the petitioner and, therefore, submitted to pass the appropriate order.

5. We have appreciated the submissions and have perused the impugned orders and record.

6. It is a settled position of law that the Competent Authority under Section 4 Act 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 4 of the Caste Certificate Rules, 2012 (for short “*Rules of 2012*”), while issuing a caste certificate, is not empowered to make a detailed enquiry as to the validity of the claim of the petitioner of belonging to ‘*Koli Mahadeo*’ Scheduled Tribe.

7. At the outset, it is revealed that the respondents have not disputed the genealogical tree or the relationship between the petitioner and his uncle. It further appears that the petitioner’s uncle, Vikas, holds the validity certificate; therefore, the petitioner is also entitled to obtain a caste certificate. Thus, it is evident that the finding recorded in the impugned order is contrary to the settled position of law.

8. A perusal of the impugned order reveals that the Competent Authority has gone into the question of the validity of the claim of the petitioner, which is impermissible in law. Thus, it seems that the Competent Authority exceeded its jurisdiction while refusing to grant a caste certificate to the petitioner. Similar is the position in respect of the order dated 03-5-2024 passed by the respondent No.1-Committee. The respondent No.1-Committee has neither considered the validity granted in favour of the petitioner’s uncle Vikas in its proper perspective, nor considered the documents of the year 1953 pertaining to the petitioner’s father in its proper perspective.

9. 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 others v. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (2015) (ii) Mh.L.J. 707* and followed by various decisions, in view of which, the impugned orders dated 22-02-2024 and 03-5-2024 are not sustainable and liable to be quashed and set aside.

10. In view of the above discussion, the writ petition is hereby allowed. The impugned order dated 22/02/2024 passed by the respondent No.2-Sub-Divisional Officer, Akola and the order dated 03/05/2024 passed by the respondent No.1-Committee are hereby quashed and set aside. The respondent No.2-Competent Authority is directed to issue a caste certificate in favour of the petitioner within a period of four weeks from the date of receipt of this judgment.

11. Rule is made absolute in the aforesaid terms. No costs.

(ABHAY J. MANTRI,J)

(AVINASH G. GHAROTE, J)