



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

WRIT PETITION No.7032 OF 2024

(Sachin s/o. Kailash Kale Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee,
through nits Member/Secretary, Bhatkuli Road, Amravati, Distt. Amravati and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Sachin Khati, Advocate for petitioner.
Smt. S.S. Jachak, Addl. GP for respondents.

CORAM : ALOK ARADHE, CJ. & A.S. CHANDURKAR, J.
DATE : 14th FEBRUARY, 2025.

P.C. :-

1. Heard finally with the consent of learned counsel appearing for the parties.
2. In this writ petition, the petitioner seeks to quash and set aside the order dated 17.4.2023, passed by the Sub-Divisional Officer, Daryapur, Distt. Amravati and order dated 29.12.2023, passed by the Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati.
3. Facts giving rise to filing of this petition in nutshell are that petitioner submitted an application seeking issue of caste certificate as belonging to 'Koli Mahadeo' falling under the Scheduled Tribe category. The petitioner made an application on 18.3.2021 to Sub-Divisional Officer, Daryapur, District Amravati for issuance of caste certificate of 'Koli Mahadeo', which according to the petitioner, is a Scheduled Tribe. The application submitted by the petitioner failed to evoke any response. Thereupon, the petitioner approached this Court by filing Writ Petition No.

773/2022 which was disposed of by an order dated 13.12.2022 permitting the petitioner to submit online application for caste certificate and affidavit before the Sub-Divisional Officer, Daryapur. The Sub-Divisional Officer by an order dated 17.4.2023 declined to issue caste certificate on the ground that the petitioner could not satisfy him in respect of entry in the Kotwal Book pertaining to Lakhu Kale wherein caste is mentioned as 'Koli'. Being aggrieved, the petitioner filed appeal before the Scheduled Tribe Caste Certificate Scrutiny Committee. The Scheduled Tribe Caste Scrutiny Committee by an order dated 29.12.2023 affirmed the order passed by the Sub-Divisional Officer. Hence, this petition.

4. Learned counsel for the petitioner submitted that the Sub-Divisional officer as well as Committee ought to have appreciated that the caste certificate was issued to the father of the petitioner recognizing him as belonging to 'Koli Mahadeo' caste on 5.6.1992 and petitioner being the daughter, is entitled to be issued a certificate.

5. On the other hand, learned counsel for the respondents submitted that the certificate issued in favour of great grand-father of the petitioner mentioned the caste as 'Koli' only.

6. We have considered the rival submissions made on both sides and perused the record. The application submitted by the petitioner for issue of caste certificate has mainly been rejected by the Sub-Divisional Officer on the ground that the petitioner has failed to annex any documents prior to 1950. Rule 3 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 (hereinafter referred

to as, 'Rules 2003') prescribes the procedure for obtaining scheduled tribe certificate. Rule 3(4) permits an applicant to file an affidavit and indicate the reasons if the applicant is unable to produce one or more of the documents referred to in clauses 3(a) to 3(f). Thus, the aforesaid Rule enables the applicant to furnish reasons for inability to produce the documents and the same ought to have been considered by the competent authority and after conducting enquiry ought to have been decided.

7. In the instant case, the application filed by the petitioner has been rejected only by stating that documents prior to 1950 have not been filed. The course prescribed by Rule 3(4) of the Rules 2003 has also not been followed. The Scrutiny Committee in the appeal has also not considered the effect of the Rule 3(4) of the Rules 2003. Therefore, the impugned orders passed by the Sub-Divisional Officer as well as Scrutiny Committee cannot be sustained in the eyes of law. The impugned orders are, therefore, quashed and set aside.

8. The Sub-Divisional Officer is directed to re-consider the petitioner's application for issuance of caste certificate in accordance with the Rules 2003. The petitioner is granted liberty to take recourse to provisions of Rule 3(4) of the Rules 2003.

9. Needless to state that the application preferred by the petitioner shall be decided expeditiously after giving an opportunity to the parties and preferably within a period of eight weeks.

10. Accordingly, petition is disposed of.

(A.S. CHANDURKAR, J.)

(CHIEF JUSTICE)