



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

WRIT PETITION NO. 1389/2025

- (1) **Nitin Ramdas More,**
Aged 44 years, Occ. Private
Service,
- (2) **Devesh Nitin More,**
Aged Minor, Occ. Student,
Being minor through Natural
Guardian i.e. Petitioner No. 1

R/o Agar, District- Akola,
Presently residing at C-53,
Nilgiri Building, RRCAT
Colony, Indore (Madhya
Pradesh)

.....PETITIONER(S)

// 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. & District Akola

.....RESPONDENT(S)

.....
Ms. R. Kabra, Advocate for the Petitioner(s)
Ms. K. Bhondge, AGP for the Respondent/State
.....

CORAM : M.S. JAWALKAR & RAJ D. WAKODE, JJ.
CLOSED FOR JUDGMENT ON :- OCTOBER 07, 2025
JUDGMENT PRONOUNCED ON :- NOVEMBER 10, 2025

JUDGMENT :- (PER:- M.S. JAWALKAR, J.)

. Heard finally by consent of learned Counsel for the
respective parties.

(2) By this Writ Petition, the Petitioners who are father
and son, have challenged the order dated 04/10/2024 passed by
the Respondent No. 1 – Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati (for short, “the Scrutiny
Committee”), invalidating their claim of belonging to “Koli
Mahadeo” Scheduled Tribe (Entry No. 29 in the Constitution
(Scheduled Tribes) Order, 1950), as well as the order dated
30/05/2024 passed by the Respondent No. 2 – Sub-Divisional

Officer, Akola, rejecting their application for grant of a Scheduled Tribe certificate.

(3) The Petitioners submit that they had filed applications along with necessary documents before the Respondent No. 2 for issuance of Scheduled Tribe Certificates. However, the Sub-Divisional Officer rejected their claim vide order dated 30/05/2024. An appeal was preferred before the Respondent No. 1 – Scrutiny Committee, which, by order dated 04/10/2024, confirmed the findings of the Sub-Divisional Officer and dismissed the Appeal.

(4) It is contended that the Respondent No. 2 declined to issue tribe certificates on the ground that the Petitioners failed to submit proof of tribe status prior to August 10, 1950, as required under Section 4(2)(b) and (c) 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 (hereinafter referred to as “the Act of 2000”). Reliance was also placed on the Government

Resolution No. CBC/1684/309/Ka-11 dated 24.04.1985, recognizing 'Koli Mahadev' as a distinct tribe, separate from the 'Koli' caste or its sub-castes.

(5) Learned Counsel for the Petitioners submits that as per Section 4 of the Act of 2000, it is incumbent upon the Competent Authority (Respondent No. 2) to issue caste/tribe certificates on the basis of documents produced, and the question of validity is within the exclusive jurisdiction of the Scrutiny Committee under Section 6 of the Act of 2000. Therefore, both the Respondents have failed to discharge their statutory duties. Learned Counsel for the Petitioners placed reliance on the judgments of this Court in **W.P. No. 8327/2022**, **W.P. No. 11671/2021 (Aurangabad Bench)**, and **W.P. No. 416/2023**, wherein similar orders were quashed and directions were issued to the Sub-Divisional Officers to issue tribe certificates.

(6) Learned Counsel for the Petitioners also placed on record the School Leaving Certificate dated 15/07/1986 wherein the tribe of the Petitioners is recorded as Koli Mahadeo.

(7) *Per contra*, learned AGP contended that the Petitioners failed to produce mandatory proof of tribe status prior to 10/08/1950 as required by law, and that Koli Mahadev being a distinct Scheduled Tribe unconnected with Koli, the Petitioners' claim could not be entertained.

(8) We have heard both sides at length, perused the material placed on record and considered the citations relied on by the Petitioners.

(9) In Writ Petition No. 2011/2024, an identical issue was considered by this Court, relying on **Writ Petition No. 7081/2024 (Sushil s/o Rajendra Thakur & Ors. v. The Sub-Divisional Officer, Daryapur & Anr.)**, decided on 10/03/2025. The relevant observations therein are as follows:

“(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.”

(10) In consonance with the settled legal position and applying the ratio of the above decisions, we find that the Sub-Divisional Officer exceeded his jurisdiction in refusing to issue tribe certificates and the Scrutiny Committee erred in confirming such refusal without due consideration of the documents. However, as there are no documents prior to the pre-independence period, we are of the opinion that this claim of the Petitioners requires to be reconsidered.

(11) Hence, we proceed to pass the following order:-

(a) The Writ Petition is **partly allowed**.

- (b) The impugned order dated 04/10/2024 passed by Respondent No. 1 – Scrutiny Committee, and the order dated 30/05/2024 passed by Respondent No. 2 – Sub-Divisional Officer, Akola, are quashed and set aside.
- (c) The Respondent No. 2 – Sub-Divisional Officer, Akola, is directed to reconsider the claim of the Petitioners, in pursuance of the law established.
- (d) If the Respondent No. 2 issues the tribe certificates to the Petitioners, the Respondent No. 1 shall verify the same on its own merits.

The Petition stands **disposed of** in the above terms.
Pending Application(s), if any, stand(s) **disposed of**.

(RAJ D. WAKODE, J.)

(M.S. JAWALKAR, J.)