



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

WRIT PETITION NO. 1409/2025

Vinayak Babarav Jumale,

Aged 48 years, Occ.

Agriculturist, R/o. Lakhonda

(BK), Tah. & District Akola

.....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)
Shri A.M. Kadukar, 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.)

. By consent of the parties and at their request, the matter is taken up for final disposal at the stage of admission.

(2) By this Writ Petition, the Petitioner challenges the order dated 04.04.2024 passed by the Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short, “the Scrutiny Committee”), invalidating the Petitioner’s claim of belonging to “Koli Mahadeo” Scheduled Tribe, which appears at Sr. No. 29 in the Constitution (Scheduled Tribes) Order, 1950. The Petitioner also assails the order dated 06.02.2024 passed by Respondent No.2 – Sub-Divisional Officer, Akola, rejecting his claim for issuance of the tribe certificate.

(3) Learned Counsel for the Petitioner submits that several documents were produced before the Sub-Divisional Officer, Akola, in support of the Petitioner’s tribe claim, but the same came to be rejected by order dated 06.02.2024. The Appeal before the Scrutiny Committee was also dismissed, thereby

confirming the rejection. He further submits that this Court has recently dealt with identical issues in Writ Petition Nos. 8327/2022, 11671/2021 (Aurangabad Bench), and 416/2023, decided on 12.01.2023, 07.07.2023, and 06.09.2024 respectively, wherein the orders passed by the Scrutiny Committee and the Sub-Divisional Officer were set aside and the Authorities were directed to issue caste/tribe certificates to the Petitioners therein.

(4) It is further submitted that the Act No. 23 of 2001 and the Rules of 2003 nowhere prescribe the production of documents prior to 1950 for obtaining a caste certificate. In absence of such a statutory requirement, the Respondents could not have insisted upon it on their own accord. When the statute is clear, no additional condition can be read into it. The insistence on pre-1950 documents is arbitrary and without legal basis, as such documents are relevant only at the stage of verification and not at the stage of issuance of the caste certificate. Therefore, the impugned orders are perverse and deserve to be quashed and set aside. Learned Counsel for the Petitioner submitted that the Petitioner has also placed on

record the School Leaving Certificate dated 12.05.1989 which clearly shows his tribe as 'Mahadeo Koli'.

(5) *Per contra*, learned AGP contended that the Petitioner failed to produce proof of tribe status prior to 10 August 1950, as required under Section 4(2)(b) and (c) of the Maharashtra Act, 2003. It was further submitted that "Koli Mahadev" is a distinct tribe unconnected with the "Koli" caste as clarified by Government Resolution dated 24.04.1985, and hence the Petitioner's claim was rightly rejected.

(6) Heard both sides at length, perused the material placed on record and considered the citations relied on by the Petitioner.

(7) Learned Counsel for the Petitioner placed reliance on the decision of this Court in Writ Petition No. 2011/2024, where an identical issue was considered. Relevant observations from paragraphs 6 to 8 of that judgment **in Sushil s/o Rajendra Thakur and others v. Sub-Divisional Officer, Daryapur, Dist. Amravati and another**, decided on 10.03.2025 are reproduced below:

“(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.”

(8) In purview of 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 caste 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 Petitioner requires to be reconsidered.

(9) Hence, we process to pass the following order:-

ORDER

- (a) The Writ Petition is **partly allowed**.
- (b) The order dated 04.04.2024 passed by the Respondent No.1 – Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and the order dated 06.02.2024 passed by Respondent No.2 – Sub-Divisional Officer, Akola, are hereby quashed and set aside.
- (c) The Respondent No.2 – Sub-Divisional Officer, Akola, is hereby directed to re-examine and decide the Petitioner's claim in accordance with law, after affording due opportunity of hearing to the Petitioner.
- (d) If the Respondent No. 2 issues the tribe certificate to the Petitioner, the Respondent No. 1 shall verify the same on its on 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.)