



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

WRIT PETITION NO. 6647 OF 2025

1. Raju S/o. Dnyaneshwar Thakare,
Age 52 years, Occ. Service
2. Prasad S/o. Raju Thakare,
Age 21 years, Occ. Student
3. Shivanad Raju S/o. Dnyaneshwar Thakare,
Age 17 years, Occ. Student

Though his father
Raju S/o. Dnyaneshwar Thakare,
Address At Post Sayat,
Taluka Bhatukali, District Amravati.

... **PETITIONERS**

// VERSUS //

1. The State of Maharashtra through
the Secretary, Tribal Development
Department, Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Amravati Division, Amravati
Sana Building, Chaprashipura, Camp,
Amravati-444606.
3. Sub-Divisional Officer/Sub-Divisional
Tivsa- Bhatukali Camp, Amravati.

... **RESPONDENTS**

Ms. Vaishali Suryawanshi (through VC) & Shri Kunal S. Dhoble,
Advocate for petitioners.
Ms. Prachi Joshi, AGP for respondents/State.

**CORAM :- SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED :- 25.11.2025

ORAL JUDGMENT (PER: M. W. CHANDWANI, J.):

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsels for the parties.

3. The petition seeks quashing of the order dated 21.07.2023 passed by respondent no. 3- Sub-Divisional Officer (SDO), Tivsa-Bhatukali rejecting the application of the petitioners for issuance of caste certificate in their names showing their caste as 'Koli Mahadev' (Scheduled Tribe) mainly on the ground that the petitioners failed to submit documents prior to the year 1950 and failed to show the caste of their paternal relatives as 'Koli Mahadev'. The petition also challenges the order dated 29.12.2023 passed by the respondent no. 2- Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short, "the Committee") rejecting the appeal filed by the petitioners and confirming the order passed by the SDO.

4. The petitioners have tendered various documents post 1950 belonging to them as well as their forefathers showing their caste as 'Koli Mahadev' (Scheduled Tribe). The petitioners also relied on the decision of this Court at Principal Bench in the case of *Apeksha Sopan Mane Vs. State of Maharashtra and others* (Writ Petition no.

16538/2024, decided on 18.03.2025) wherein, in para no. 6, it has been observed as under:-

“6. There cannot be a thumb rule, that only if documents prior to independence are produced, then only Caste/Tribe Certificate is to be granted. It is trite law that at the time of issuance of Tribe/Caste Certificate, the Authorities are required to take a prima facie view. Grant of Tribe Certificate is subject to detailed inquiry as is engrafted in 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 ‘the said Act’) and the law laid down by the Hon’ble Supreme Court in Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. the State of Maharashtra and others (AIR 2023 SC 1657).”

5. Reliance has also been placed on another decision of this Court at Principal Bench in the case ***Rohit Uttam Mane Vs. State of Maharashtra and others (Writ Petition No. 14646/2024, decided on 22.10.2024)*** wherein, it has been observed in para nos. 5 and 6 as under:-

“5. It is a settled law that while granting a Tribe Certificate, it should be assessed as to whether some of the paternal relatives of the claimant have been granted the Tribe Certificate. In the present case, in paragraph no.5 of the impugned order dated 23/02/2024, issued by the Competent Committee, the relationship of the Petitioner with Sayaji Kundalik Mane and Vijay Ganapat Mane, has not been denied or contradicted. The reason for refusal of the Tribe Certificate is unsustainable. These two persons have been granted the Tribe Certificate, which would be subject to the inquiry by the Caste Validity Committee, as and when such a claim is put forth.

6. Needless to say, if the Petitioner is to be granted the said Tribe Certificate, the same would also be subject to the detailed inquiry as is engrafted in 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 “the said Act”)”

6. The learned AGP fairly conceded that the matter is covered by these two judgments and therefore, we are of the considered opinion that the petition can be allowed. Hence, we proceed to pass the following order:-

- i) The petition is allowed.
- ii) The order dated 21.07.2023 passed by respondent no. 3- Sub-Divisional Officer, Tivsa, Bhatukali and the order dated 29.12.2023 passed by the respondent no. 2- Committee are quashed and set aside.
- iii) Respondent no. 3 is directed to issue the caste certificate of 'Koli Mahadev' (Scheduled Tribe) to the petitioners on or before 28.11.2025. Needless to state that, if the petitioners proceed to seek validity certificates on the basis of such Caste Certificate, all contentions are kept open and the Committee would verify the claim on its own merits in terms of the provisions of law.
- iv) Rule is made absolute in the abovesaid terms.

7. The learned AGP to intimate the order of this Court immediately to respondent nos. 2 and 3.

(M. W. CHANDWANI, J.)

(SMT. M. S. JAWALKAR, J.)