



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

WRIT PETITION NO. 7787 OF 2025

PETITIONER

: Darshana Vinayak Jumale,
Aged 22 years, Occu. Education,
R/o Lakhonda (BK), Tah. & Dist. Akola.

VERSUS

RESPONDENTS

: 1] The Scheduled Tribe Caste Certificate
Scrutiny Committee,
through its Member/Secretary,
Bhatkuli Road, Amravati, Dist. Amravati.

2] The Sub Divisional Officer,
Akola, Tq. & Dist. Akola.

Ms. Rajashree Kabra, Advocate for the petitioner
Mr. A. V. Palshikar, A.G.P. for respondent nos.1 and 2.

CORAM : SMT. M. S. JAWALKAR and
M. W. CHANDWANI, JJ.
DATE : DECEMBER 09, 2025.

ORAL JUDGMENT : (Per M.W.Chandwani, J.)

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

2. The petition seeks quashing of the impugned order dated
04.04.2024 passed by respondent no.1 - The Scheduled Tribe Caste

Certificate Scrutiny Committee, Amravati (hereinafter referred to as “the Committee”), thereby rejecting the appeal filed by the petitioner and confirming the order dated 06.02.2024 passed by respondent no.2 – Sub Divisional Officer, Akola (for short “SDO”) rejecting the application for issuance of the Caste Certificate.

3. The petitioner claims that she belongs to ‘Koli Mahadev’ (Scheduled Tribe). Therefore, she applied for issuance of Caste Certificate before the respondent no.2 – S.D.O. Respondent no.2 – S.D.O. insisted on filing pre-constitutional documents i.e. the documents prior to 1950 to support her claim. Having found the absence of pre-constitutional documents supporting the claim of the petitioner, respondent no.2 – S.D.O. refused to issue the Caste Certificate. The petitioner preferred an appeal before the Committee. The Committee while sitting in appeal also dismissed the appeal for want of pre-constitutional documents showing the Caste of the petitioner as ‘Koli Mahadev’.

4. Having heard the learned counsel appearing for the petitioner and the learned AGP for respondent nos.1 and 2 and having gone through the impugned orders, we find that there is no

such settled law mandating the petitioner/claimant to have pre-constitutional documents to support their caste claim. It appears that both the authorities lost sight of the legal position that the issue before them was of issuance of Caste Certificate and not of validation of the Caste claim under 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 “the Act of 2000”).

5. Our attention has been invited to the decision of this Court (Nagpur Bench) in the case of *Ajinkya S/o Santosh Koltakke .vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and another* in *Writ Petition No. 416 of 2025* with other connected petitions wherein, this Court has observed in paragraphs 11 and 12 as under :

“11. In view of the above settled legal position, it is evident that respondent No. 2, while exercising powers under Section 4 of the Act of 2000, was not required to delve into the question of validity of the petitioners’ caste claim. Such an exercise was clearly impermissible under the provisions of law, and therefore, respondent No. 2, by rejecting the petitioners’ applications, acted beyond the scope of

his jurisdiction.

12. Similarly, respondent No. 1 – the Scrutiny Committee while deciding the appeals preferred by the petitioners against the impugned order passed by respondent No. 2, also exceeded its jurisdiction. The Committee proceeded to decide the appeals as if it were adjudicating upon the validity of the caste certificates, which was not its function at that stage. Respondent No. 1 was not justified in dismissing the appeals on the grounds that the petitioners failed to establish their claim with respect to area restriction and affinity. Such an approach was contrary to the provisions of the Act and inconsistent with the law laid down by this Court.”

6. The learned AGP fairly submitted that the issue is covered by the decision in the case of *Ajinkya Santosh Koltakke* (supra). Therefore, the petition succeeds.

7. Accordingly, the writ petition is allowed.

i] The impugned order dated 04.04.2024 passed by respondent no.1 - The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati as well as the order dated 06.02.2024 passed by respondent no.2 – Sub Divisional Officer, Akola, are quashed and set aside.

ii] Respondent no.2 – Sub Divisional Officer, Akola is directed to issue the Caste Certificate to the petitioner under Section 4

of the Act of 2000 within a period of four weeks from receipt of this order without insisting for filing pre-constitutional documents.

iii] Needless to mention that, this is not a case for validation of the caste claim. If the petitioner exercises that option, the same shall be decided by respondent no.1 - The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati as per the provisions of law.

8. Rule is made absolute in the aforesaid terms. The writ petition stands disposed of. No order as to costs.

(M.W.CHANDWANI, J.)

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

Diwale