



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 WRIT PETITION NO. 2742 OF 2024

VANDANA NAGO SONAWANE AND ANOTHER

VERSUS

STATE OF MAHARASHTRA THROUGH TRIBAL WELFARE DEPARTMENT AND
OTHERS

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Advocate for the Petitioner : Mr. Sanket Kulkarni h/f.Ms. Kulkarni Rashmi S.
AGP for Respondent/State : Mr. P.S. Patil

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CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.

DATE : 06.01.2026

PER COURT :

. Heard.

2. By this Writ Petition, the petitioners impugned the order dated 10.05.2023 passed by the Sub-Divisional Officer, Dhule thereby refusing to issue caste certificates in favour of the petitioners of 'Tokare Koli' Scheduled Tribe. The petitioners have also challenged the order passed by the respondent No.2/Caste Scrutiny Committee dated 08.01.2024 by which the appeal preferred by the petitioners, challenging the said order has been dismissed.

3. Learned counsel for the petitioners submit that, the petitioners in support of their application seeking caste certificate have filed a copy of caste certificate of their father issued in the year 1980 as well as the caste certificate of their brother viz. Vishal Nago Sonawane so also the caste validity certificate issued in favour of their uncle showing caste as

‘Tokre Koli’. The Caste Scrutiny Committee has failed to consider these documents and dismissed the appeal filed by the petitioners. Learned counsel for the petitioners also submit that the Caste Scrutiny Committee also committed an error in holding that the documents filed by the petitioners alongwith their application are of recent origin and the petitioners have failed to produce on record the documents prior to 1950 showing that the petitioners belong to Tokare Koli.

4. On the other hand, the learned AGP appearing for the respondent/state submits that, the petitioners have failed to produce sufficient proof before the Sub-Divisional Officer as well as before the Caste Scrutiny Committee to substantiate their claims of belonging to ‘Tokare Koli’ Scheduled Tribe. He would further submit that the brother of petitioners viz. Vishal Nago Sonawane has obtained the caste certificate from the Sub-divisional Officer, Thane which can not be relied upon as the petitioners are residents of Dhule District and therefore, the brother of petitioners had no occasion to obtain caste certificate from the Sub-divisional Officer, Thane. He, therefore, urged that the petitioners have utterly failed to adduce any evidence to substantiate that they are entitled for issuance of caste certificate of belonging to ‘Tokare Koli’ Scheduled Tribe.

5. After having heard learned counsel for the petitioners as well as learned AGP and after perusal of the impugned order passed by the Caste Scrutiny Committee, we find that the Caste Scrutiny Committee has committed an error in dismissing the appeal filed by petitioners on the ground that the petitioners have failed to produce documents prior

to 1950. This Court has already taken a view that the application for issuance of caste certificate can not be rejected on the ground that the claimant has failed to produce the documents prior to 1950. We find that the Caste Scrutiny Committee has dismissed the appeal filed by the petitioners on the ground that the documents produced by the petitioners are of recent origin and therefore, cannot be relied upon.

6. We find the said reason assigned by the Caste Scrutiny Committee is erroneous. We find that merely because the petitioners have produced the documents of recent origin cannot be a ground for refusing to issue caste certificate. The documents placed on record by the petitioners are always subject to verification at an appropriate stage when the caste certificate of the petitioners would be submitted for its verification before the Caste Scrutiny Committee while issuing caste validity certificates. The Sub-divisional officer as well as Caste Scrutiny Committee are supposed to consider prima-facie documents while considering an application for issuance of caste certificate.

7. We, therefore, pass following order :

ORDER

- i) The Writ Petition is allowed.
- ii) The order dated 10.05.2023 passed by the respondent No.3 Sub-Divisional Officer, Dhule as well as the order dated 08.01.2024 passed by the respondent No.2/Caste Scrutiny Committee, Dhule is

hereby quashed and set-aside.

iii) The respondent No.3/Sub-Divisional Officer, Dhule is directed to issue caste certificates in favour of the petitioners of belonging to 'Tokare Koli' Scheduled Tribe.

iv) Needless to state that the caste certificates issued in favour of the petitioners will be subject to its verification by the Caste Scrutiny Committee when the proposal for its validity would be submitted.

v) With these directions, the Writ Petition stands disposed of.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE, J.)

vsj..