



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1181 OF 2026

SHIVRAJ LIMBRAJ NIRDE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS**

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Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents: Mr. V.M. Jaware

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**CORAM : SANDIPKUMAR C. MORE &
ABASAHEB D. SHINDE, JJ.**

DATE : 10.02.2026

PER COURT (ABASAHEB D. SHINDE, J.) :

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties, the writ petition is taken up for final hearing at the stage of admission.

2. The petitioner is aggrieved with the order passed by respondent No.2 – Scrutiny Committee, dated 21.08.2025, thereby, dismissing the appeal filed by the petitioner under Section 5 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, challenging the order dated

25.07.2022, passed by the Sub-Divisional Officer, Majalgaon, District Beed, thereby, refusing to issue caste certificate of belonging to 'Koli Mahadev' scheduled tribe.

3. Learned counsel for the petitioner submits that in support of petitioner's claim, the petitioner has submitted the caste certificates issued in favour of his father and his cousins. He further submits that the petitioner has also relied on the tribe validity certificate issued in favour of his real uncle, however, the said validity certificate has been discarded by the Sub-Divisional Officer on the ground that the petitioner has failed to produce the documents relating to his tribe claim of prior to 1950. He would further submit that the respondent No.2 – Scrutiny Committee has also committed an error in dismissing the appeal on the ground that the petitioner has failed to submit the document of prior to 1950 and so far as the validity certificate of his uncle relied upon by the petitioner is concerned it has been discarded on the ground that the said validity certificate has been granted without following the due procedure of law. He, therefore, urge that the orders passed by the respondent No.3 - Sub-Divisional Officer as well as respondent No.2 – Scrutiny Committee are erroneous and are liable to be quashed and set aside.

4. Per contra, the learned AGP would submit that the respondent No.3 – Sub-Divisional Officer has rightly passed an order thereby refusing to issue caste certificate to the petitioner since, the petitioner has failed to submit any document prior to 1950 so also the respondent No.2 – Scrutiny Committee is also justified in dismissing the appeal filed by the petitioner since the validity certificate of petitioner's uncle relied upon by the petitioner has been issued without following due procedure of law. He, therefore, submits that the petitioner is not entitled for issuance of caste certificate of belonging to 'Koli Mahadev' scheduled tribe.

5. Having heard learned counsel for the petitioner as well as the learned AGP, we find that the Respondent No.3 - Sub-Divisional Officer could not have insisted for the document of prior to 1950 since, the caste certificates of the petitioner's father and his cousins were already placed on record before him. We find that the respondent No.3 - Sub-Divisional Officer in first place has committed an error in discarding the documents which includes the caste certificates of the petitioner's father and his cousins which indicate that their caste are recorded as 'Mahadev Koli' scheduled tribe. We find that the Sub-Divisional Officer while issuing the caste certificate is expected to only consider *prima facie* whether there are

documents on record indicating the petitioner's caste. The Sub-Divisional Officer is not expected to consider the validity of claim made by the petitioner. It is a *prima facie* inquiry which he is expected to conduct based on the documents on record.

6. So far as the findings arrived at by the respondent No.2 – Scrutiny Committee are concerned, we find that it has merely concurred with the order passed by the respondent No.3 – Sub-Divisional Officer instead of considering whether the petitioner has submitted relevant documents on record. We also find that the respondent No.2 – Scrutiny Committee has unnecessarily undertaken the exercise of going into the legality of the tribe validity certificate of petitioner's uncle which is wholly unwarranted.

7. At the cost of repetition, we would like to reiterate that, while considering the application for issuance of caste certificate, it is not expected of either the respondent No.3 - Sub-Divisional Officer or the respondent No.2 - Scrutiny Committee to consider the validity of the claim made by the petitioner, as issuance of caste certificate is always subject to verification while issuing the validity certificate. We, therefore, find that both the orders are erroneous and are liable to be quashed and set aside. We, therefore, pass the

following order :

ORDER

- i) The impugned orders dated 21.08.2025 passed by respondent No.2 and 25.07.2022 passed by respondent No.3 – Sub-Divisional Officer, Majalgaon, Dist. Beed, are hereby quashed and set aside.
- ii) The respondent No.3 – Sub-Divisional Officer, Majalgaon, District Beed, is directed to issue caste certificate to the petitioner of belonging to ‘Koli Mahadev’ scheduled tribe.
- iii) The issuance of caste certificate to the petitioner will be subject to verification by the respondent No.2 – Scrutiny Committee at the time of issuance of validity certificate.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE, J.)

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