

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

919 WRIT PETITION NO. 2244 OF 2026

OMKAR SUBHASH SABANWAD

VERSUS

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

.....

Advocate for the Petitioner : Mr. Chandrakant R. Thorat

AGP for Respondent/State: Mr. S. P. Sonpawale

...

AND

920 WRIT PETITION NO. 2245 OF 2026

**GAYATRI SUBHASH SABANWAD THR THE NATURAL GUARDIAN
FATHER SUBHASH SAYABU SABANWAD**

VERSUS

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

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Advocate for the Petitioner : Mr. Chandrakant R. Thorat

AGP for Respondent/State: Mr. S. P. Sonpawale

....

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

DATED : MARCH 18, 2026

ORAL ORDER (PER ABASAHEB D. SHINDE, J):-

1. Heard the learned counsel for the petitioners and learned A.G.P for the respondents.
2. At the outset, the learned counsel for the petitioners seeks leave to add Commissioner, Tribal Research and Training Institute, Pune as party respondent in both the petitions.
3. Leave granted. The amendment is to be carried out forthwith.

4. The petitioners have approached this court under Article 226 of the Constitution of India, in peculiar circumstances and have put forth the following prayers :-

“A] By issuing Writ of Certiorari or any other appropriate writ or direction in the like nature, be pleased to quashed and set aside the order dated 31/10/2025 passed by the Sub Divisional Officer, Dharmabad, Dist. Nanded thereby rejected the proposal for issuance of Tribe Certificate in favour of the appellant as belonging to “Koli Mahadev” Scheduled Tribe.

B] Be pleased to direct the Sub Divisional Officer, Dharmabad, Dist. Nanded, to issue the Tribe Certificate in favour of the appellant as belonging to “Koli Mahadev” Scheduled Tribe.

C] Or in the alternatively, be please to direct the respondent no.2 Scrutiny Committee to accept the appeal of the petitioner against the impugned order dated 31/10/2025 passed by the Sub Divisional Officer, Dharmabad, Dist. Nanded thereby rejected the proposal for issuance of Tribe Certificate in favour of the appellant as belonging to “Koli Mahadev” Scheduled Tribe in view of u/sec. 5 (1) of the Caste Certificate Act, 2000”.

5. Learned counsel for the petitioners in both the Writ Petitions would submit that against the order dated 30.10.2025, passed by

respondent No.3 i.e. the Sub Divisional Officer, Dharmabad Tq Dharmabad, District Nanded, thereby refusing to issue caste certificates of belonging to “ Koli Mahadev” Scheduled Tribe the petitioners have preferred the appeals before the respondent No.2/Scrutiny Committee under Section 5(1) of The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Classes And Special Backward Category (Regulation of Issuance And Verification of Caste Certificate Act, 2000 (hereinafter referred to as “ the Act”). He further submit that, though the petitioners have approached respondent No.2 on 07.11.2025, in order to file the appeals, the concerned authority from the office of respondent No.2 have refused to accept the same. He would further submit that, though the appeals in both the Writ Petitions were ready on 07.11.2025, however, the said appeals could not be filed on line since it was informed from the office of respondent No.2 that, there are certain issues with regard to the up-gradation of software/ portal namely “E-Tribe Validity Portal”.

6. Learned counsel for the petitioners beside pointing out these aspects from the pleadings of the Writ petitions has also filed affidavits of the petitioners thereby stating on oath that the petitioners along with their Advocates had been to office of respondent No.2 for filing the appeals, however, respondent No.2 neither accepted the physical

filing nor co-operated the petitioners in filing those appeals on line. He would therefore submit that, as a result of which, the prescribed period of limitation of 30 days in filing the appeals have expired. He, therefore, urge that either this Court, may entertain the Writ Petitions by setting aside the order dated 31.10.2025 passed by respondent No.3 thereby refusing to issue caste certificates or in the alternative respondent No.2, be directed to accept the appeals filed by the petitioners challenging the said order physically.

7. Per contra, learned A.G.P. submits that, admittedly, the orders which are sought to be challenged by the petitioners by filing appeals have been passed by respondent No.3 on 31.10.2025 therefore, the petitioners ought to have filed appeals on line within a period of 30 days from the date of order passed by respondent No.3. He would further submit that, since the period of limitation have expired, respondent No.2 cannot accept the appeals filed by the petitioners physically, so also the respondent No.2 cannot accept the appeals on line since those are barred by limitation.

8. Learned A.G.P. however submits that, for want of up-gradation/ updation of the “E-Tribe Validity Portal” at the behest of added respondent No.4, the appeals which would be filed after prescribed period of limitation cannot be accepted on line.

9. Learned A.G.P by placing on record the circular dated 14.10.2025 by which the on line filing of the appeals under Section 5 sub section (1) of the Act has been recently introduced, would submit that the petitioners ought to have availed the said facility. Learned A.G.P however, fairly concedes that by virtue of introduction of new on-line system, it is not only respondent No.2/ Scrutiny Committee, but several other Scrutiny Committees are facing the same problem of non-acceptance of the appeals, which are filed beyond the period of limitation.

10. Having heard learned counsel for the petitioners as well as learned A.G.P, we find that the petitioners have categorically stated on affidavits filed before this Court stating that no sooner the orders were passed by respondent No.3 on 31.10.2025, the petitioners along with concerned Advocates had been to the office of respondent No.2, on 07.11.2025, for filing the appeals. However, the same were not accepted physically nor respondent No.2 was able to accept the filing on line. Having regard to the categorical statements made on oath that the petitioners had approached the Scrutiny Committee within a prescribed period of limitation of 30 days and due to the technical issue, their appeals could not be accepted on line. We are inclined to entertain these Writ Petitions.

11. We find that, since the matters pertains to social status, in

absence of any express bar about applicability of the provision of Limitation Act, 1963, in filing the appeals under Section 5(1) of the Act, respondent No.2/ Scrutiny Committee ought to have accepted the filing of appeals by the petitioners and thereafter could have determined as to whether the delay occurred in filing the appeals deserves to be condoned or not. We are of the considered view that respondent No.2/ Scrutiny Committee has totally ignored this vital aspect regarding applicability of the Limitation Act, 1963.

12. In that view of the matter, it would be expedient in the interest of justice to direct the added respondent No.4 to forthwith up-grade/ update the software of “ E-Tribe Validity Portal”, so as to facilitate the filing of appeals after the prescribed period of limitation subject to satisfaction as to whether the delay deserves to be condoned for want of sufficient cause. We also find that if for want of up-gradation/updation of the software, respondent No.2/ Scrutiny Committee goes on refusing to accept the filing of appeals after prescribed period of limitation, this Court would be flooded with the Writ Petitions filed under Article 226 of the Constitution of India.

13. Thus, in peculiar facts and circumstances of the case, we direct respondent No.2/ Scrutiny Committee to accept the appeals filed by the petitioners physically.

14. We however, make it clear that mere permission to the

petitioners to file the appeals physically, does not mean that the Scrutiny Committee is precluded from ascertaining sufficient cause for delay in filing the appeals. The Scrutiny Committee before deciding the appeals on merits would first ascertain as to whether delay caused in filing appeals deserves to be condoned.

15. The Writ Petition stands disposed of in above terms with no order as to costs.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

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