

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 410 OF 2026

Mr. Hemant Ramnath Andherkar

Age 50 years,

Occ. Business

having address at Andherkar Chawl,

Kondivita Road, J. B. Nagar,

Andheri (E), Mumbai – 400 059.

...Petitioner

Vs.

1. The State of Maharashtra

through office of Government

Pleader (O.S.) High Court, Mumbai.

2. The Tahsildar

Tahsil Office, Andheri

3. The Deputy Collector/

Sub-Divisional Officer, Andheri

Division, both are having their Address

at 22, New Dadabhai Rd,

Gilbert Hill, Andheri West.

4. The Collector

Collector Office, Mumbai.

Sub-Urban having office at near

Chetna College, Bandra (E), Mumbai.

...Respondents

Adv. Ramchandra N. Kachare - Advocate for the Petitioner

Shri Amar Mishra – AGP for the Respondent-State

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATE : 30th JANUARY 2026

ORDER (PER S. M. MODAK, J.) :-

1. Heard learned counsel for the Petitioner and learned AGP for Respondents.
2. The contention of the Petitioner is that he belongs to Adivasi Varali tribe. He applied for getting a tribe certificate in prescribed format. A copy of the form is annexed on page no. 29. It is annexed by necessary documents. However, the Competent Authority has returned all his papers without any written communication on the pretext that pre-constitutional documents were not submitted. That is why, this petition is filed for issuing directions to issue Caste certificate in favour of the Petitioner.
3. Learned AGP has brought to our notice the remark on application filed by the Petitioner (on page no. 38). There is remark that the father of the Petitioner was born in the year 1951 at Andheri. It is true no written communication refusing to issue Caste certificate is

brought to our notice. In fact, it is the grievance of the Petitioner that papers were returned without issuing any written communication.

4. Having regard to the provisions of the Act and Rules framed, the Competent authority has to decide, the issuance of Caste certificate. Once the application is filed, it is bounden duty of the Competent authority to take decision and to communicate it in writing. The authority may issue or may not issue such certificate. Sub Rule (2) of Rule (4) of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 ('Rules' for short) lays down the documents to be submitted alongwith the application. Even Sub-Rule 3 permitted the Applicant to state on affidavit, if he is unable to submit the prescribed documents and then the Competent Authority may consider it and decide the claim on merits after conducting the inquiry. Even there is provision of an appeal against the order of rejection passed by the Competent authority. All these provisions indicate that there has to be an order in writing and it has to be communicated to the concerned person.

5. We are therefore inclined to issue the following directions to the Respondent No. 2-Tahsildar. Hence the order :-

ORDER

- (i) Respondent No. 2-Tahsildar is directed to entertain the application of the Petitioner for issuing Caste certificate being member of Adivasi Warli Community.
 - (ii) The Petitioner is permitted to re-submit his application to the Competent authority as per Rules by annexing necessary documents. Let it be done within two weeks from passing of this order.
 - (iii) The Respondent No. 2 is directed to decide the prayer of the Petitioner for issuing certificate as early as possible and in any event within a period of eight weeks from the date of submission of the application.
6. With the above observations, the Writ Petition is disposed of.
7. Pending interim application, if any, also stands disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)