



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.243 OF 2026

Vedika Shivaji Dahikar,
Aged-Minor years, Occ. Education,
Through his Natural Guardian Father
Shivaji Kisan Dahikar,
Aged-40 years, Occ. Agriculturist,
R/o Tunaki, Tah.& Dist. Sangrampur
Buldhana.

...PETITIONER

// VERSUS //

1. The Scheduled Tribe Caste
Certificate Scrutiny Committee,
Through Its Member / Secretary,
Bhatkuli Road,
Amravati, Dist. Amravati.
2. The Sub-Divisional Officer,
Jalgaon Jamod, Tq. & Dist.
Buldhana.

....RESPONDENTS

Ms. Rajshree Kabra, Advocate for the petitioner.
Mr. H.D.Futane, AGP for the respondents.

**CORAM : MRS. M. S. JAWALKAR &
NANDESH S. DESHPANDE, JJ.**

DATE ON RESERVING THE JUDGMENT : 22.01.2026

DATE ON PRONOUNCING THE JUDGMENT : 28.01.2026

JUDGMENT : (Per – Smt.M. S. JAWALKAR, J.)

Heard.

2. Rule. Rule made returnable forthwith. By consent of the parties and at their request, the matter is taken up for final disposal at the stage of admission.

3. By this Writ Petition, the Petitioner is challenging the order dated 28/10/2025 passed by the Respondent No.1 Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short the “Scrutiny Committee”), thereby invalidating the caste claim of the Petitioners to the ‘Koli Mahadeo’ Scheduled Tribe enlisted at Sr. No. 29 in the list of Scheduled Tribes in Constitutional (S.T.) Order 1950 and order dated 28/03/2025 passed by the Respondent No.2 thereby rejected the caste claim of the Petitioner.

4. The Petitioner submits that he belongs to ‘Koli Mahadeo’ Scheduled Tribe and had applied to Respondent No.2 for issuance of a caste certificate in favour of her daughter. Along with the application, the Petitioner furnished several

authentic documents, including ancestral and educational records, clearly establishing his tribal status. Despite this, Respondent No.2 illegally rejected the application on unjustified grounds.

5. The Petitioner submits that the insistence of Respondent No.2 on production of pre-independence documents and evidence of blood relatives has no statutory basis under the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and Rules framed thereunder. Once prima facie documentary evidence was produced, its incumbent upon Respondent No.2 to issue the caste certificate, subject to verification by the Scrutiny Committee.

6. The Petitioner further submits that there is one entry dating back to 16/11/1958, which is an extract of birth entry of a daughter named Chandrakala born to petitioner's grandfather Sugdev Tukaram Koli, wherein the caste recorded is Koli. Another entry of School Leaving Certificate of the Petitioner's Grandfather dated 29/10/1956 records his caste as Koli, also

one School Leaving Certificate of the Petitioner's father dated 19/07/1991, which shows the caste as Mahadeo Koli, constitute strong and relevant piece of evidence of tribal origin. The rejection of the application despite such credible material is arbitrary, unreasonable, and violative of Articles 14 and 21 of the Constitution of India.

7. The Petitioner submits that Respondent No.1 Committee exceeded its jurisdiction by adjudicating the caste claim on merits at the appellate stage, despite the absence of a caste certificate in favour of the Petitioner. The Committee's role at this stage was confined to examining the legality of the refusal and not to conduct a full-fledged verification exercise.

8. The petitioner submitted that this Court, in several matters including W.P. No. 416/2023 and Writ Petition No.2011/2024 has consistently held that a caste certificate cannot be denied merely due to absence of pre-constitutional documents and that the Sub-Divisional Officer is required to issue the certificate subject to verification. In similar cases, this Court has also quashed such orders and remanded the matters

for fresh consideration. The petitioner's case is fully covered by these decisions.

9. Further it is contended that the respondents have rejected the claim of the petitioner belonging to "Koli Mahadev" Scheduled Tribe solely on the ground of non-production of pre-1950 documents under the Act of 2000 and Rules of 2003, despite such a requirement being contrary to the settled legal position.

10. Heard both the parties at length. Perused the documents placed on record.

11. We are placing reliance on Writ Petition No.2011/2024 wherein similar issues were dealt by this Court and relevant portions are reproduced as under :

"8. Learned counsel for the petitioners has relied upon the judgment of this Court in Writ Petition No. 7081 of 2024 (Sushil S/o Rajendra Thakur and others Vs. The Sub Divisional Officer, Daryapur, Dist. Amravati and another) decided on 10th March, 2025. In the said judgment, the identical issue was arose and this Court has recorded its findings in paragraphs 6, 7 and 8 as under:

(6)It is settled position of law that the competent authority under Section 4 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 (hereinafter referred to as 'Act of 2000') while issuing caste certificate is not entitled to make a detailed enquiry as to the validity of the claim of the petitioners of belonging to particular Caste/Tribe; for that is the job of the Committee constituted under Section 6 of the said Act.

(7)A perusal of the impugned orders dated 15/05/2024 (Annexures 4 to 8) passed by the Sub-Divisional Officer, who is the competent authority in terms of Section 4 of the Act of 2000, would indicate that he has gone into the question of validity of the claim of the petitioners, which is impermissible in law. Thus, it seems that the Sub-Divisional Officer exceeded its jurisdiction while refusing to grant caste certificates to the petitioners. Similar is the position in respect of the order dated 28/08/2024 passed by the respondent No.2 the Committee. The respondent No.2 Committee has not considered the documents produced on record by the petitioners in their proper perspective.

(8)Apart from this, the position in this matter is no longer res integra, but it is covered by the judgment of this Court in Namdeo s/o. Baburao Ingale and ors. vs. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati [2015(2)Mh.L.J.707], Dhanashree Ravindra Koli and others V/s The state of Mah. & ors. In W.P.No.8829/20021 decided on 12/08/21 and followed subsequently in Vishal Namdeo Gopewad vs. The Scheduled Tribe Caste Certificate Scrutiny Committee, through its Member/Secretary, Yavatmal and another [WP No. 4335/2023 decided on 01/09/2023], in view of which, the impugned orders dated 15/05/2024 passed by respondent No.1 Sub-Divisional Officer, as well as the decision dated 28/08/2024 passed by the respondent No.2 Committee, are hereby quashed and set aside.

9. In view of above the said legal position, it is clear that the respondent no.2 while exercising powers under Section 4 of the Act, 2000 is not empowered to delve into the question

of validity of the claim of the petitioners, the same is not permissible under the provisions of law. Hence, we are of the opinion that respondent no.1 exceeded his jurisdiction while refusing to grant caste certificate to the petitioner.”

12. 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 its jurisdiction. Petitioner's request for issuance of caste certificate ought not to have been rejected only on the ground that he failed to produce documents pertaining to Pre-Independence. The petitioner's request for issuance of caste certificate ought not to have been rejected only on the ground that he failed to prove a document pertaining to pre-independence period.

13. Similarly, respondent No. 1—the Scrutiny Committee while deciding the appeal preferred by the petitioner 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 appeal on the grounds that the petitioners failed to establish their claim. Such an approach was contrary to the provisions of the Act and inconsistent with the law laid down by this Court.

14. In view of the foregoing discussion, the impugned orders passed by both respondents are liable to be quashed and set aside. Accordingly, the following order is passed:

ORDER

- (i) The petition is partly allowed.
- (ii) The impugned order dated 28/10/2025 passed by the respondent No.1–Caste Scrutiny Committee, and also the order dated 28/03/2025 passed by the respondent No.2-Sub-Divisional Officer, Jalgaon Jamod, District Buldhana are hereby quashed and set aside
- (iii) The respondent No.2-Sub-Divisional Officer, Jalgaon Jamod, District Buldhana, is hereby directed to issue

caste certificate to the petitioner under Section 4 of the Act of 2000, within a period of three weeks from the date of appearance of the petitioner.

- (iv) The petitioner to appear before the respondent No.2-Sub-Divisional Officer, Jalgaon Jamod, District Buldhana on 09/02/2026 at 11.00 am.
- (v) The respondent No.1-Caste Scrutiny Committee is directed to consider the caste claim of the petitioner, if the same is referred as per prescribed procedure, afresh, on the basis of the caste certificate issued by the respondent No.2-Sub-Divisional Officer, Jalgaon Jamod, District Buldhana without being influenced by the findings recorded in the impugned order dated 28/10/2025, passed by the respondent No.1-Caste Scrutiny Committee.

15. Rule is made absolute in the above terms. No order as to costs.

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