



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2476/2026

1. Balkrishna Shankarrao Pathrabe,
Aged : 48 years, Occ.- Civil Contractor,
R/o Ward No. 2, Guruwar Bazar,
New Bina-Bhanegaon, Bhanegaon
Grampanchayat, Tah: Saoner,
Dist : Nagpur.
2. Falguni Balkrishna Pathrabe,
Age: 18 years, Occ.: Education
R/o Ward No.2, Guruwar Bazar,
New Bina-Bhanegaon, Bhanegaon
Grampanchayat, Tah: Saoner,
Dist: Nagpur.
3. Hemang Balkrishna Pathrabe,
Age: 12 years, Occ.-Education,
R/o Ward No.2, Guruwar Bazar,
New Bina-Bhanegaon, Bhanegaon
Grampanchayat, Tah: Saoner,
Dist: Nagpur, through his Father and
Natural Guardian Shri Balkrishna
Shankarrao Pathrabe.

... PETITIONERS

...VERSUS...

1. The Sub-Divisional Officer,
O/o Sub-Divisional Magistrate,
Saoner, Tah: Saoner, Dist: Nagpur,
2. Scheduled Tribe Certificate
Scrutiny Committee, Nagpur,
Through the Vice Chairman, Adiwasi

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Vikas Bhavan, Giripeth,
Nagpur -440010.

3. State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Ministry of Tribal Development,
Government of Maharashtra,
Madan Kama Road, Hutatma
Rajguru Chowk, Mantralaya
Mumbai- 400032.

...RESPONDENTS

Mr. A. G. Hunge, Advocate for petitioner
Mr. N. R. Patil, AGP for respondents/State

**CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

DATED : 20th APRIL, 2026.

ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

1. Issue notice to the respondents.
2. Learned AGP waives notice for all the respondents/State.
3. In view of the order we are proposing to pass, we do not think it fit to call for any reply of the respondents.

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4. **Rule.** Rule made returnable forthwith.

5. The petitioner has challenged the order of the Sub-Divisional Officer, i.e., respondent no. 1, refusing to issue a caste certificate of caste 'halba', as also the order of the Scrutiny Committee turning down his appeal filed under Section 4 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

6. Facts which can be seen from the petition are as under:-

a) The petitioner nos. 1 and 2 initially applied to the respondent no. 1 for grant of a caste certificate for caste of 'Halba'. Along with the said application, the said petitioners filed various documents which, according to them, were sufficient enough to grant a caste certificate to them.

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b) However, the Sub-Divisional Officer, vide order dated 08.02.2023, rejected the said application on the ground that the documents for pre-constitutional period, i.e., prior to 1950, were not filed along with the record. Therefore, the Sub-Divisional Officer recorded a finding that the petitioner nos. 1 and 2 do not comply with the requirement under the Act for issuance of caste certificate and proceeded to reject the claim for caste certificate.

c) Thereafter, the petitioner no. 2, being son of the petitioner no. 1, also filed an application for issuance of same 'Halba' Scheduled Tribe caste certificate, which was also rejected by the Sub-Divisional Officer, vide letter/communication dated 30.07.2024.

d) All the petitioners, therefore, filed an appeal before the respondent no. 2 Scrutiny Committee, as contemplated under the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000. Even the

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said appeal came to be rejected by the Committee on 25.02.2025, and both these orders are challenged in the present writ petition.

7. We have heard Mr. A.G. Hunge, learned counsel for the petitioners, as also Mr. N. R. Patil, learned AGP for the respondent(s)/State.

8. Mr. A.G. Hunge, learned counsel for the petitioners, while taking us through the order of the Sub-Divisional Officer, states that enough material was filed on record to satisfy the requirements for issuance of a caste certificate. However the said Sub-Divisional Officer, i.e., the competent authority under the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, has rejected the said application only on the ground that no documents prior to 1950 were filed on record. He submits that there is no requirement in the said statute, at least for issuance of a caste certificate, since the caste certificate is always subject to validity issued by the Scrutiny Committee. He therefore

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submits that the order of the Sub-Divisional Officer cannot withstand the scrutiny of law.

9. As far as the appellate order of the Scrutiny Committee is concerned, he submits that the only aspect which has weighed with the said Committee is that the real brother of the appellant no. 1 and another sister have obtained a caste certificate of Special Backward Class and have not suited them on the same ground. He submits that even the order of the appellate authority, i.e., the Scrutiny Committee, is unsustainable in law, in as much as the fact that the relatives have obtained a certificate of Special Backward Class cannot be a factor when otherwise the appellants are able to prove their claim.

10. Per contra, Mr. N. R. Patil, learned AGP appearing for the respondent(s)/State, opposes the contentions of the learned counsel for the petitioners. He submits that the Sub-Divisional Officer, as also the Scrutiny Committee, were correct in rejecting the application for caste certificate and the appeal preferred against the said order, since there were no documents to show that they belong to 'Halba' Scheduled Tribe. Even otherwise, learned AGP Mr. N. R.

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Patil submits that the relatives obtaining a certificate of Special Backward Class would be a pointer that the petitioners / appellants before the Committee do not belong to the said caste. He, therefore, supports the impugned order.

11. Having considered the contentions canvassed by the learned counsels for the respective parties, we have gone through the record of the matter. The only aspect which has weighed with the competent authority, i.e., the Sub-Divisional Officer, is the omission to file pre-constitutional documents of 1950. This has been confirmed by the appellate authority with an additional reasoning that the relatives of the appellants/petitioners herein have obtained certificates under the Special Backward Class. In our view, both the reasonings cannot be sustained as far as issuance of caste certificate is concerned. As per the provisions of law, the caste certificate issued is always subject to the validity certificate, and a roving enquiry as is contemplated under the provisions of the Act while issuing a validity certificate is not contemplated while issuing a caste certificate. A prima facie enquiry on the basis of documents is what is contemplated under the provisions of the said Act. In that

view of the matter, the order of the competent authority, i.e., the respondent no. 1, and the Scrutiny Committee cannot be sustained. We, therefore, set aside both the orders and allow the petition accordingly. We, therefore, pass the following order:-

ORDER

- i) The Writ Petition is allowed.
- ii) The order dated 08.02.2023 passed by the respondent no. 1, i.e., the Sub-Divisional Officer, Saoner, and the further order dated 25.02.2025 passed by the respondent no. 2, i.e., the Scheduled Tribe Certificate Scrutiny Committee, Nagpur, as also the communication dated 30.07.2024, as far as the petitioner no. 3 is concerned, are quashed and set aside.
- iii) The respondent no. 1 is directed to issue a caste certificate to the petitioners on the basis of the documents which they have filed along with their applications within four weeks from the date of this order. However, it is made clear that the said caste certificate would

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be subject to the validity of the Scrutiny Committee, i.e., the respondent no. 2.

iv) With these directions the writ petitions is disposed of. Rule is made absolute.

(NANDESH S. DESHPANDE, J.)

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