



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

WRIT PETITION NO.6788 OF 2025

Pravin Pandurang Pawar,
Aged 44 years, Occ. Education,
R/o At post Masrul,
Tal. & Dist. 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,
Buldhana, Tq. & Dist. Buldhana.

....RESPONDENTS

Ms. Rajshree Kabra, Advocate for the Petitioner.
Mr. A.S, Fulzele, Addl.GP 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 petition, the petitioner is challenging the order dated 15/06/2023 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 13/01/2023 passed by the Respondent No.2 thereby rejected the caste claim of the petitioner.

4. The petitioner has completed his Masters in agriculture and is now pursuing masters in Library Science. The petitioner applied to respondent No.2 for issuance of a caste certificate certifying him as belonging to Koli Mahadeo — Scheduled Tribe. The said application was rejected by respondent No.2 vide order dated 05.05.2022. Aggrieved thereby, the petitioner preferred an appeal before respondent

No.1-Scrutiny Committee, which was allowed by setting aside the rejection order on 23.11.2022, and the matter was remanded to respondent No.2 for fresh consideration vide order dated 13.01.2023.

5. It is submitted that upon remand, the petitioner submitted all required documents, including the caste certificate of his father certifying him as belonging to Koli Mahadeo — Scheduled Tribe. Despite this, respondent No.2 again rejected the petitioner's claim on 13.01.2023, solely on the ground that the petitioner had failed to produce pre-independence documents.

6. The petitioner, therefore, preferred a second appeal before the respondent No.1-Scrutiny Committee against the order dated 13.01.2023. However, the respondent No.1, instead of directing issuance of a caste certificate, proceeded to adjudicate the caste claim itself and dismissed the appeal vide order dated 15.06.2023, without the petitioner ever being issued a caste certificate in the first place.

7. It is an admitted fact that the petitioner had complied with all statutory requirements under the applicable Act and Rules for issuance of a caste certificate, and the respondent No.2 was duty-bound to issue the certificate, which would thereafter be subject to verification by the Scrutiny Committee. The refusal to issue the certificate has resulted in denial of procedural justice to the petitioner.

8. Further, the respondent No.2 has issued a caste certificate to the petitioner's real brother certifying him as belonging to Koli Mahadeo — Scheduled Tribe on 14.02.2024, thereby acknowledging the family lineage and rendering the denial to the petitioner arbitrary and discriminatory. It is pertinent to note that the father of the petitioner has been issued with a Form 'C' certificate applied on 08/01/2024 and issued with the same on 14/02/2024.

9. 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.

10. 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.

11. Heard both the parties at length. Perused the documents placed on record and relied on the citations referred by the counsel for the petitioner.

12. 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 SubDivisional 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.”

13. 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 petitioner's application, acted beyond the scope of his jurisdiction. It is pertinent to note that the father of the petitioner had already been issued a Form 'C' caste certificate in accordance with the Rules of 2003. Further, by communication dated 12th March 2020, issued by the Tribal Research and Training Institute, Maharashtra, through its Commissioner to all the SDOs across the State of Maharashtra were directed to issue certificates strictly in Form 'C' and withdraw and replace the certificate

issued prior to coming into force of the Rules of 2003 in any other format with immediate effect.

14. Similarly, the respondent No.1–Scrutiny Committee while deciding the appeal preferred by the petitioner against the impugned order passed by the respondent No.2, also exceeded its jurisdiction. The Scrutiny Committee proceeded to decide the appeal as if it was adjudicating upon the validity of the caste certificates, which was not its function at that stage. The respondent No.1-Scrutiny Committee was not justified in dismissing the appeal on the ground that the petitioner failed to establish his claim. Such an approach was contrary to the provisions of the Act and inconsistent with the law laid down by this Court.

15. In view of the foregoing discussion, the impugned order 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 15/06/2023 passed by the respondent No.1–Caste Scrutiny Committee, so also the

order dated 13/01/2023, passed by the respondent No.2-Sub-Divisional Officer, Buldhana are hereby quashed and set aside.

- iii) The respondent No.2-Sub-Divisional Officer, 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, 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 caste certificate issued by the respondent No.2-Sub-Divisional Officer, Buldhana on it's own merits.

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

(NANDESH S. DESHPANDE, J.)

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