



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

WRIT PETITION NO. 7917 OF 2025

Mandar Haridas Jumale,

Aged about 25, Occu.- Education,

R/o. Lakhonda (BK),

Tah. & Dist. Akola.

.... **PETITIONER**

// VERSUS //

1) **The Scheduled Tribe Caste**

Certificate Scrutiny Committee,

Through its Member / Secretary

Bhatkuli Road, Amravati,

District Amravati.

2) **The Sub-Divisional Officer,**

Akola, Tq. and Dist. Akola.

.... **RESPONDENTS**

Ms. Rajshree Kabra, Advocate for the Petitioner.

Mr. S. V. Narale, Assistant Government Pleader for
Respondents.

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

DATE ON RESERVING THE JUDGMENT : 22/01/2026

DATE ON PRONOUNCING THE JUDGMENT : 28/01/2026

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.

Matter is taken up for final hearing at the stage of admission by
consent of the parties and at the request of parties.

2. By this Writ Petition, the Petitioner is challenging the order dated 04/04/2024 passed by the Respondent No.1 Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (for short the “Scrutiny Committee”), thereby rejecting the appeal filed by the Petitioner against the order passed by the Respondent No.2, and the order dated 18/01/2024 passed by the Respondent No.2 – Sub-Divisional Officer, Akola, thereby declining to issue caste certificate to the Petitioner belonging to the “Koli Mahadeo” Scheduled Tribe enlisted at Sr. No. 29 in the list of Scheduled Tribes in Constitutional (S.T.) Order 1950.

3. Learned Counsel for the Petitioner submits that several documents were produced before the Sub-Divisional Officer, Akola, in support of the Petitioner’s tribe claim, but the same came to be rejected by order dated 18/01/2024. The Appeal before the Scrutiny Committee was also dismissed, thereby confirming the rejection. He further submits that this Court has recently dealt with identical issues in *Writ Petition Nos. 8327/2022, 11671/2021 (Aurangabad Bench)*, and *416/2023*, decided on 12/01/2023, 07/07/2023, and 06/09/2024 respectively, wherein the orders passed by the

Scrutiny Committee and the Sub-Divisional Officer were set aside and the Authorities were directed to issue caste/tribe certificates to the Petitioners therein.

4. It is further submitted that the Act No. 23 of 2001 and the Rules of 2003 nowhere prescribe the production of documents prior to 1950 for obtaining a caste certificate. In absence of such a statutory requirement, the Respondents could not have insisted upon it on their own accord. When the statute is clear, no additional condition can be read into it. The insistence on pre-1950 documents is arbitrary and without legal basis, as such documents are relevant only at the stage of verification and not at the stage of issuance of the caste certificate. Therefore, the impugned orders are perverse and deserve to be quashed and set aside. Learned Counsel for the Petitioner submitted that the Petitioner had also submitted the School Leaving Certificate of his father i.e., Haridas Jumale belonging to 'Koli Mahadeo' Schedule Tribe, dated 19/05/1986, which demonstrates the caste as 'Mahadeo Koli'.

5. Per contra, learned Assistant Government Pleader contended that the Petitioner failed to produce proof of tribe status prior to 10 August 1950, as required under Section 4(2) (b) and (c) of the Maharashtra Act, 2003. It was further submitted that 'Koli Mahadev' is a distinct tribe unconnected with the 'Koli' caste as clarified by Government Resolution dated 24/04/1985, and hence the Petitioner's claim was rightly rejected.

6. Heard both sides at length, perused the material placed on record and considered the citations relied on by the Petitioner.

7. Learned Counsel for the Petitioner placed reliance on the decision of this Court in ***Writ Petition No. 416/2025, Ajinkya S/o Santosh Koltakke v. The Schedule Tribe Caste Certificate Scrutiny Committee and another***, along with two connected matters decided on **09.10.2025**, wherein an identical issue was considered. The relevant observations from paragraphs 10 to 12 of that common judgment are reproduced as under :

10. 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 WPNo.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 gone 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.”

11. 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 his jurisdiction.

12. Similarly, respondent No. 1 – the Scrutiny Committee while deciding the appeals preferred by the petitioners 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 appeals on the grounds that the petitioners failed to establish their claim with respect to area restriction and affinity. Such an approach was contrary to the provisions of the Act and inconsistent with the law laid down by this Court.

8. In view of the settled legal position and applying the ratio of the above decisions, we find that the Sub-Divisional Officer exceeded his jurisdiction in refusing to issue caste certificates and the Scrutiny Committee erred in confirming such refusal without due consideration of the documents. However, as there are no documents available prior to the pre-independence period, we are of the opinion that the claim of the Petitioner requires to be reconsidered. The 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 period.

9. Accordingly, we proceed to pass following order :

- (a) The Writ Petition is partly allowed.
- (b) The order dated 04/04/2024 passed by the Respondent No.1 Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and the order dated 18/01/2024 passed by Respondent No.2 - Sub-Divisional Officer, Akola, are hereby quashed and set aside.
- (c) The Respondent No.2 - Sub-Divisional Officer, Akola, is hereby directed to re-examine and decide the Petitioner's claim in accordance with law, after affording due opportunity of hearing to the Petitioner.
- (d) The Petitioner to appear before the Respondent No. 2 Sub-Divisional Officer, Akola on 09/02/2026 at 11.00 am.
- (e) If the Respondent No. 2 issues the tribe certificate to the Petitioner, the Respondent No. 1 shall verify the same on its own merits.

10. Rule accordingly. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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