



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

WRIT PETITION NO. 8314 OF 2025

PETITIONER : Bhagyashri Pandurang Pawar, Aged 27
years, Occu.: Education, R/o Masrud,
Buldhana, Dist. Amravati.

-Versus-

RESPONDENTS : 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.

Shri G.N.Upadhyay, Adv. for the petitioner.
Mr. A.S.Fulzele, Addl.GP for the respondents.

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

**CLOSED ON : 17TH FEBRUARY, 2026
PRONOUNCED ON : 20TH FEBRUARY, 2026**

J U D G M E N T (Per : Smt. M. S. Jawalkar, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally with
the consent of the learned counsel for the parties.

3. By this petition, the petitioner is challenging the order dated 29/10/2025 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 petitioner belonging to "Koli Mahadeo" Scheduled Tribe, enlisted at Sr. No.29 in the list of Scheduled Tribes in Constitutional (Scheduled Tribes) Order, 1950 and order dated 28/03/2023 passed by the respondent No.2, thereby rejected the caste claim of the petitioner.

4. The petitioner submitted that she had applied to the respondent No.2 for issuance of a caste certificate certifying her as belonging to "Koli Mahadeo" Scheduled Tribe. The said application was rejected by the respondent No.2 vide order dated 28.03.2023.

5. Aggrieved thereby, the petitioner preferred an appeal before the respondent No.1-Scrutiny Committee, whereby, the respondent No.1-Scrutiny Committee went on to adjudicate the caste claim of the petitioner without there being a caste certificate in favour of the petitioner, and dismissed the appeal on 29.10.2025.

6. 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 caste certificate, which would thereafter be subject to

verification by the Scrutiny Committee. The refusal to issue caste certificate has resulted in denial of procedural justice to the petitioner.

7. 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 caste certificate on 22/07/1992, which is before enactment of the Maharashtra Scheduled Caste, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes & Special Backward Classes (Regulation of Issuance and Verification) Caste Certificate Act, 2000 and the Rules, 2003 (hereinafter referred to as "Act of 2000" and "Rules of 2003" for the sake of brevity) and hence hold the field as the father already has been granted with a caste certificate and it is also important to point out that by the communication dated 12.03.2020, issued by the Tribal Research and Training Institute, Maharashtra, through its Commissioner to all the SDOs across the State were directed to issue certificates strictly in Form 'C' and withdraw and replace the certificates issued prior to coming into force of the Rules of 2003 in any other format with immediate effect.

8. It is submitted that this Court in *Writ Petition*

No.2011/2024 (*Ku.Sarvesha Sudhakar Ghugar v. The Scheduled Tribe Caste Certificate Scrutiny Committee & one anr.*), decided by Nagpur Bench on 23/07/2025 and **Writ Petition No.416/2023**, (*Ajinkya Santosh Koltakke v. The Scheduled Tribe Caste Certificate Scrutiny Committee & oths.*) and other connected matters, decided by Nagpur Bench on 09/10/2025, dealt with identical issues and has set aside similar orders of the Sub-Divisional Officer and the Scrutiny Committee. It was directed to issue caste certificates. The petitioner's case stands squarely covered by the said decisions.

9. The petitioner contends that neither Act of 2000, nor the Rules of 2003 provide that invalidation of a caste claim of one family member bars another blood relative from obtaining a caste certificate. Reliance is also placed on recent judgments in **W.P. No.7509/2025** (*Prashant Gulabrao Kale v. State of Mah.& anr.*) and *Ajinkya Santosh Koltakke v. The Scheduled Tribe Caste Certificate Scrutiny Committee & oths. (supra)*, wherein similar orders of the authorities were set aside and directions were issued to grant caste certificates.

10. It is further submitted that the petitioner had submitted all requisite documents before the respondent No.2 for issuance of caste certificate. It was incumbent upon the respondent No.2 to issue caste certificate, which would thereafter be subject to verification by the Scrutiny Committee. However, both respondents have failed to

discharge their duties, thereby denying justice to the petitioner. It is further contended that this Court has recently dealt with the identical issues in Writ Petition No.8327/2022, Writ Petition No.11671/2021 (Aurangabad Bench), and Writ Petition No.416/2023 (*supra*), wherein by orders dated 12/01/2023, 07/07/2023, and 06/09/2024, respectively, both the orders passed by the Scrutiny Committee and the Sub-Divisional Officer were set aside, and directions were issued to the Sub-Divisional Officer to issue caste certificates.

11. As against this, the respondents contended that they rejected the petitioner's request for issuance of caste certificate belonging to "Koli Mahadev" (Scheduled Tribe) because the documentary evidence was not satisfactory pursuant to Pre-independence documents. The respondents asserted that the petitioner failed to provide valid evidence prior to 1950, for proving Scheduled Tribe status as required under the Act of 2000 and the Rules of 2003, and therefore, the orders rejecting the claim was lawful and proper.

12. Heard submissions of both the parties at length and perused the documents and citations placed on record.

13. We are placing reliance on *Writ Petition No.2011/2024* (*supra*), wherein similar issues were dealt with 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.”

14. In view of the above settled legal position, it is evident that the 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 petitioner's caste claim. Such an exercise was clearly impermissible under the provisions of law, and therefore, the respondent No.2, by rejecting the petitioner's application, acted beyond the scope of his jurisdiction.

15. Similarly, the respondent No.1–Scrutiny Committee while deciding the appeal preferred by the petitioner against the impugned order passed by 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 certificate, which was not its function at that stage. The respondent No.1 was not justified in dismissing the appeal on the ground that the petitioner failed to establish her claim. Such an approach was contrary to the provisions of the Act and inconsistent with the law laid down by this Court.

16. 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 29.10.2025 passed by the respondent No.1–Caste Scrutiny Committee, so also the order dated 28.03.2023 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 production of this order to his office.

(iv) The respondent No.1-Scrutiny Committee is hereby 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.

(v) The petitioner to appear before the respondent No.2-Sub-Divisional Officer on 25/02/2026.

17. Rule is made absolute in the above terms. No costs.

(NANDESH S. DESHPANDE, J)

(SMT. M. S. JAWALKAR, J)