



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

WRIT PETITION NO. 480 OF 2026

Khushi Nagorao Bhopse,
Through Natural Guardian
Mother Laxmi Nagorao Bhopse,
Aged 44, Occ. Household,
R/o Marci Valmiki Suare,
Jain Mandir Road, Bhatkuli,
Dist. Amravati.

...PETITIONER

// VERSUS //

1. State of Maharashtra,
Through It's Secretary,
General Administartive Department,
Mumbai-32.
2. The Sub-Divisional Officer,
Tiwasa – Bhatkuli, Tq.Bhatkuli,
Dist. Amravati.

....RESPONDENTS

Ms. Rajshree Kabra, Advocate for the petitioner.
Mr.H.D.Futane, AGP for the 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 – 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 the present petition, the petitioner seeks a direction against the respondent No.2, who is insisting upon the production of certain documents for issuance of caste certificate in his favour, despite the fact that such requirement is not contemplated under the Maharashtra Scheduled Castes, Scheduled Tribes, Vimukta Castes, Other Backward Classes, and Special Backward Class Caste Certificate (Regulation of Verification) Rules, 2003.

4. The petitioner contends that her mother applied to the respondent No.2 through online mode acknowledgment dated 05/12/2023 for the issuance of Caste Certificate in Form 'C' and also submitted the necessary documents for procurement of the same.

5. The petitioner's father had submitted all requisite documents, including his valid caste certificate dated 26/02/1996 issued by the Executive Magistrate, Amravati,

certifying him as belonging to Koli Mahadeo Caste, who was the Competent Authority at the relevant time. Despite the sufficiency of documents and online processing, the respondent No.2 issued cryptic observations/opinions dated 27/12/2023 and 24/07/2024, which are arbitrary and contrary to the Act, 2000 and Rules, 2003.

6. The Act of 2000 and the Rules of 2003 do not mandate production of pre-constitutional documents, and the insistence on such documents by the respondent No.2 is illegal, leaving the petitioner without any effective remedy and necessitating the present petition. This Hon'ble Court, in W.P. No.7787/2025 (decided on 09/12/2025) and W.P. No.7863/2025 (decided on 10/12/2025), has held that pre-constitutional documents are not mandatory for issuance of caste certificates.

7. Since the petitioner's father already holds a valid caste certificate, the petitioner is entitled to issuance of caste certificate as belonging to Koli Mahadeo Caste, as reaffirmed in W.P. No.416/2023 decided on 06/09/2024, and the respondent

No.2 ought to have issued the same instead of delaying the process.

8. As against this, the respondent No.2 submitted 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, 2003 framed thereunder, and therefore, the online application was rejected, for the reason that the claim was improper.

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

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 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.”

11. In view of the above settled legal position, it is evident that the respondent No.2, SDO, Tiwasa-Bhatkuli, 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. It is pertinent to note that the father of the petitioner had already been issued 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 were directed to issue certificate strictly in Form 'C' and withdraw and replace the certificate issued in any other format with immediate effect.

12. In view of the above discussion, we pass the following orders.

ORDER

- (i) The petition is allowed.
- (ii) The respondent No.2—Sub-Divisional Officer, Tiwasa-Bhatkuli 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.
- (iii) The petitioner to appear before the respondent No.2 on 09/02/2026 at 11.00 am.

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

(NANDESH S. DESHPANDE, J.)

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

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