



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

WRIT PETITION NO. 962 OF 2026

PETITIONER : Hariom Najuk Bhopse, Through Natural Guardian Father Najuk Ambadas Bhopse, aged 46 years, Occu.: Labour, R/o Bhatkuli, Tah.Bhatkuli, & Distt. Amravati.

-Versus-

RESPONDENTS : 1. State of Maharashtra, through its Secretary General Administrative Department, Mumbai-32.
2. The Sub-Divisional Officer, Tiwasa-Bhatkuli, Distt. Amravati.

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 : 20th FEBRUARY, 2026
PRONOUNCED ON : 23rd 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. The petitioner's father had submitted all requisite

documents, including her valid caste certificate dated 15/05/1992 issued by the Executive Magistrate, Amravati, certifying him as belonging to Koli Mahadeo caste, who was the Competent Authority at the relevant time. Despite sufficiency of documents and online processing, the respondent No.2, issued cryptic observations/opinions dated 15/12/2023, 27/12/2023, 08/01/2024, 15/01/2024 and 24/07/2024, which are arbitrary and contrary to the Maharashtra Caste Certificate Act, 2000 and Rules, 2003.

4. The Maharashtra Scheduled Castes, Scheduled Tribes, Vimukta Castes, Other Backward Classes, and Special Backward Class Caste Certificate (Regulation of Verification) Act, 2000 and the Rules, 2003 framed thereunder (hereinafter referred to “Act of 2000” and “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 Court, in **Writ Petition No.7787/2025** (*Darshana Vinayak Jumale v. The Scheduled Tribe Caste Certificate Scrutiny Committee & anr.*) decided on 09/12/2025 and **Writ Petition No.7863/2025** (*Jay Vilas Ghate v. State of Mah. & anr.*) decided on 10/12/2025, has held that pre-constitutional documents are not mandatory for issuance of caste certificates.

5. 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 ***Writ Petition No.416/2023 (Bhagyesh s/o Yadav Thakare, minor thr. Guardian-Father Yadav Mugutrao Thakare v. The S.T.Caste Certificate Scrutiny Committee & anr.)*** decided on 06/09/2024, and the respondent No.2 ought to have issued the same instead of delaying the process.

6. As against this, the respondent No.2 submitted that the petitioner failed to provide valid evidence of prior to 1950 documents, proving Scheduled Tribe status as required under the Act of 2000 and the Rules of 2003 and therefore, the online application was rejected, for the reason that the claim was improper.

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

8. 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.”

9. 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 petitioner's 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. Hence, we pass the following order.

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 27/02/2026 at 11.00 am.

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

(NANDESH S. DESHPANDE, J)

(SMT. M. S. JAWALKAR, J)