



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1340 OF 2026

Niyati Satish Ghate
aged 21 years, Occ. Education,
R/o Samda, Tal. Daryapur, Tah. &
Dist. Amravati - 444803

...PETITIONER

VERSUS

1. State of Maharashtra
Through its Secretary,
General Administrative
Department, Mumbai - 32
2. The Sub-Divisional Officer,
Daryapur, Tq. Tahsil Office Compound,
Daryapur, Dist. Amravati - 444803

...RESPONDENTS

Shri G.N. Upadhyay, Advocate for petitioner
Ms H.N. Jaipurkar, AGP for respondents/State

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
DATE : **16.02.2026**

ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, JJ.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by the consent of the parties.

3. In view of the order, we are proposing to pass, and in view of the innocuous prayer made by the petitioner in the petition, we do not think it necessary to call for reply of the respondents.

4. The learned Assistant Government Pleader waives notice for respondents/State.

5. The prayer made in the petition is for direction to respondent No.2, Sub-Divisional Officer, Daryapur, not to harp upon the observations/opinion dated 31.12.2025 and for adhering the mandatory provisions of the Act No. 23 and Rules, 2003. It is further prayed for issuance of a direction to the said respondent to issue a caste certificate of 'Koli-Mahadev' in favour of the petitioner in the interest of justice.

6. As can be seen from the facts stated in the petition that she had applied before the respondent No.2, Sub-Divisional Officer, for the issuance of a caste certificate of 'Koli-Mahadev' of the Scheduled Tribe on the online portal. Though it is contended by the

petitioner in the petition that he had submitted documents which were necessary for the issuance of a caste certificate, we could not see any such documents. Be that as it may, by way of the impugned communication dated 31.12.2025, the Sub-Divisional Officer, Daryapur, has sought pre-Constitutional documents of the blood relatives of the petitioners showing the caste as 'Koli-Mahadev'.

7. We had already dealt with an identical controversy in writ petition No. 7863/2025, decided on December 10, 2025. In the said petition, the petitioner was the cousin brother of the petitioner.

In the said petition, we observed as under :

“5. The submission is that, under The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified 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 “the Act of 2000”) there is no such mandatory requirement of submitting pre-constitutional documents. According to the learned counsel for the petitioner, since the father and the grandfather of the petitioner have already been granted Caste Certificates, there should not be any hurdle in issuing the Caste Certificate to the petitioner.

6. The learned A.G.P has objected to the submission on the ground that the petitioner has to prove that his forefathers belonged to “Koli-Mahadev” (Scheduled Tribe) by showing pre-constitutional documents i.e. the documents prior to the year 1950.

7. Having heard the learned counsel for the petitioner and the learned A.G.P. for the respondents, we find substance in the argument of the learned counsel for the petitioner that there is no such mandatory requirement under the Act of 2000 for production of pre-constitutional documents, more particularly when the father and the grandfather of the petitioner have been issued the Caste Certificate of “Koli-Mahadev” (Scheduled Tribe). Therefore, the petition deserves to be allowed.”

8. In view of that, the following order is passed.

ORDER

i) The impugned order/communication dated 31.12.2025, issued by the respondent No.2, is set aside, and the said respondent No.2 is directed to decide the application filed by the petitioner within a period of four weeks from the date of this order without insisting for pre-Constitutional documents.

ii) It is needless to mention that after the issuance of a caste certificate, the petitioner has to seek validation of his caste from the concerned Scrutiny Committee, if he wants to take benefits out of the said certificate, the petition stands disposed off.

iii) The learned Assistant Government Pleader to communicate this order to the respondents/State.

9. The petition is disposed of in the above terms.

10. Rule accordingly. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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

Jayashree..