



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

WRIT PETITION No.2752 OF 2026

Ayush Shital Bhopse,
Being Minor Through Natural Guardian Father
i.e. Shital Parmeshwar Bhopse,
aged 47 years, Occ. Agriculturist,
R/o Bhagirathi Niwas,
Near Savitribai Pule High School,
Gokul Colony, Maharashtra,
Akola- 444001.

: PETITIONER

...VERSUS...

1. State of Maharashtra,
Through its Secretary,
General Administrative Department,
Mantralaya, Mumbai – 32.
2. The Sub-Divisional Officer,
Tiwasa - Bhatkuli Tq. Bhatkuli,
Dist. Amravati.

: RESPONDENTS

Mr. S.D. Khati, Advocate for Petitioner.

Ms. H.N. Jaipurkar, Assistant Government Pleader for Respondent
Nos.1 and 2.

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

RESERVED ON : **15th APRIL, 2026.**

PRONOUNCED ON : **20th APRIL, 2026.**

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of the learned counsel appearing for the parties.

2. The petitioner's father applied before respondent No.2 on 29/01/2026 for issuance of caste certificate in 'C' Format belonging to 'Koli Mahadeo' Scheduled Tribe in respect of the petitioner through the online process, submitting all necessary documents including caste certificates of the petitioner's father dated 10/02/1994 and grandfather dated 27/02/1992. However, by the impugned observation/opinion dated 03/06/2026, respondent No.2 insisted upon production of certain order(s) not contemplated 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 as "the Act of 2000") and the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003. Being aggrieved thereby the petitioner has filed the present petition.

3. Learned counsel for the petitioner submits that the impugned observation/opinion of respondent No.2 is wholly without jurisdiction and contrary to the provisions of the Act of 2000 and the Rules of 2003. It is submitted that neither the Act of 2000 nor the Rules of 2003 contemplate production of any such order as a condition precedent for issuance of caste certificate. It is

further submitted 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, and that since the petitioner's father already hold valid caste certificates of 'Koli Mahadeo' Scheduled Tribe issued by the competent authority, the petitioner is clearly entitled to the caste certificate as sought. Learned counsel further submits that the issue is squarely covered by the binding judgments of this Court in Writ Petition No.7787/2025 dated 09/12/2025 and Writ Petition No.7863/2025 dated 10/12/2025.

4. This Court has already settled the identical issue. In Writ Petition No.7787/2025 (Darshana Vinayak Jumale Vs. The Scheduled Tribe Caste Certificate Scrutiny Committee & Anr.) decided on 09/12/2025, the Division Bench of this Court (Smt. M.S. Jawalkar and M.W. Chandwani, JJ.) held :

"there is no such settled law mandating the petitioner/claimant to have pre-constitutional documents to support their caste claim... the issue before them was of issuance of Caste Certificate and not of validation of the Caste claim 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."

Similarly, in Writ Petition No.7863/2025 (Jay Vilas Ghate Vs. State of Maharashtra & Anr.) decided on 10/12/2025 by the same Division Bench, on identical facts where the Sub-Divisional Officer sought pre-constitutional documents despite the father and grandfather already holding caste certificates of 'Koli Mahadev', it was held :

"there is no such mandatory requirement 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 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)."

5. In view of the aforesaid binding precedents, the impugned observation/opinion dated 03/06/2026 issued by respondent No.2 is wholly without jurisdiction and contrary to the provisions of 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 and the Rules of 2003. respondent No.2 cannot create any condition or rider *de-hors* the Act of 2000 and the Rules of 2003. The affidavit

of apology filed by respondent No.2 is taken on record and accepted.

6. Accordingly, we pass the following Order :

ORDER

(i) The Writ Petition is allowed.

(ii) The observation/opinion dated 03/06/2026 issued by Respondent No. 2 is hereby quashed and set aside.

(iii) The respondent No. 2 is directed to issue a caste certificate of 'Koli Mahadeo' Scheduled Tribe in favour of the petitioner within four weeks from the date of receipt of this order, on the basis of documents required under the provisions of 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 and the Rules of 2003.

(iv) The Writ Petition is disposed of.

(v) Rule is made absolute. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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