



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

WRIT PETITION NO. 2758 OF 2026

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

.... **RESPONDENTS**

Ms. Rajshree Kabra, Advocate for the Petitioner.
Mrs. M. S. Naik, Assistant Government Pleader for
Respondents.

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

DATE ON RESERVING THE JUDGMENT : 27/04/2026
DATE ON PRONOUNCING THE JUDGMENT : 30/04/2026

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith. Matter is taken up for final hearing at the stage of admission by consent and request of 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. 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, wherein this Court held as under :

"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."

5. 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 as under :

"there is such no mandatory requirement under The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes Other (Vimukta Jatis), Nomadic Tribes, 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)."

6. The Petitioner has also filed Civil Application (W) No. 998/2026 in the present petition and submitted that the sibling

of the petitioner i.e., Ayush Shital Bhopse has raised similar issue in **Writ Petition No. 2752/2026**. The said petition was allowed by this Court vide its Judgment dated 20.04.2026. The Petitioner submits that he and his sibling stand on same pedestal and the judgment dated 20.04.2026 is squarely applicable to the present case of the Petitioner, and therefore the present petition needs to be allowed.

7. 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 Act of 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.

8. Accordingly, we proceed to 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 – Sub-Divisional Officer, Tiwasa-Bhatkuli, District Amravati 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.

9. Rule is made absolute in the aforesaid terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

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