



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO. 3697 OF 2026**

Rushikesh Sanjay Zaskar
Aged : 28 Years, Occu : Student; R/o
Waygaon, Bhatkuli, District Amravati.

... PETITIONER

VERSUS

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

... RESPONDENTS

Ms. Rajashree Kabra, Advocate for Petitioner.
Mr. S. V. Narale, AGP for Respondent Nos.1 and 2.

**CORAM : SMT. M. S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.
DATE : MAY 04, 2026.**

ORAL JUDGMENT [PER NANDESH S. DESHPANDE, J.]

. Heard. **Rule.** Rule made returnable forthwith. Heard finally with
consent of both the sides.

2. Present Petition seeks a direction to the Respondent No.2/Sub
Divisional Officer, not to harp upon the observation/opinion dated 8/4/2026
and adhere to the mandatory provisions of the Act No.23 and Rules 2003 and

the Judgments in the like matters. The contention of the learned Counsel for the Petitioner is that the caste certificate of the father of the Petitioner dated 27/8/1981 issued by the Executive Magistrate/Tahsildar is sufficient enough to get caste certificate. However, the Sub Divisional Officer has communicated to intimate about the order. The said communication is at page 22 Annexure-3. The learned Counsel for Petitioner relies upon the Judgment passed by this Court in Writ Petition No. 2595/2026 (Bhushan Purushottam Juwar V/s State of Maharashtra & Anr.), where we had an occasion to consider an identical controversy.

3. *Per contra*, the learned AGP submits that as per the procedure, the documents have not yet been processed by the office of the Sub Divisional Officer and are routed through the Naib Tahsildar and the Tahsildar.

4. We have hardly impressed by the contentions canvassed by the learned AGP. Once the citizen like the Petitioner has made an application to the Sub Divisional Officer, it is the internal problem/methodology of the office of the Tahsildar, Naib Tahsildar and the Sub Divisional Officer and the citizen cannot be put to prejudice for that. In that view of the matter, we are satisfied that the documents submitted by the Petitioner for obtaining the caste certificate is enough in view 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 Rules of 2003, as we have already observed in Writ Petition No. 2595/2026 by relying on earlier Judgment of this Court in Writ Petition No. 7787/2025 (Darshana Vinayak Jumale V/s The Scheduled Tribe Caste Certificate Scrutiny Committee & Anr.).

The relevant observation is 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."

Similarly, in Writ Petition No.7863/2025 (Jay Vilas Ghate v. 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 same, following order is passed.

ORDER

1. Writ Petition is allowed.
2. The observation/opinion dated 8/4/2021 issued by the Respondent No.2/Sub Divisional Officer is hereby quashed and set aside.
3. The Respondent No.2 is directed to issue the caste certificate of 'Koli Mahadeo' Scheduled Tribe in favour of the Petitioner within a period of four weeks from the 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 Rules of 2003.
4. Rule is made absolute in above terms with no order as to costs.

[NANDESH S. DESHPANDE, J.]

[SMT. M. S. JAWALKAR, J.]