

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5333 OF 2023

Divyarani d/o Dhananjay Koli
Under Guardianship of Real Uncle Rajendra s/o Appasaheb Koli
VERSUS
The State of Maharashtra And Others

WITH
WRIT PETITION NO. 5337 OF 2023

Digvijay S/o Dhananjay Koli
VERSUS
The State of Maharashtra And Others

WITH
WRIT PETITION NO. 5386 OF 2023

Bhagyashri D/o Appasaheb Koli @ Bhagyashri w/o Sunil Raut
VERSUS
The State of Maharashtra And Others

WITH
WRIT PETITION NO. 5389 OF 2023

Nagrani d/o Appasaheb Koli @ Nagrani W/o Mallinath Ghante
VERSUS
The State of Maharashtra And Others

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Mr. Ratan Adhe a/w Ms. Ashwini R. Barad h/f Omgashad B. Boinwad, Advocate for Petitioners.

Mr. Mr. A. I. Patel, Addl. G.P for the Respondent-State in WP/5333/2023.

Mr. Vikas M. Mali, AGP for the Respondent-State in WP/5389/2023.

Mr. R.P Kadam, AGP for the Respondent-State in WP/5337/2023.

Mr. A.P. Vanarase, AGP for the Respondent-State in WP/5386/2023.

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CORAM : **MILIND N. JADHAV, &
NANDESH S. DESHPANDE, JJ.**

RESERVED ON : **31st JULY, 2026.**

PRONOUNCED ON : **4th AUGUST, 2026.**

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

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.
2. Since these Petitions arise out of substantially similar facts and raise a common question of law, they are being disposed of by this common judgment.
3. The challenge in all these Petitions against Sub Divisional Officer, Solapur and Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune, who are Respondent No.2 and Respondent No.3 respectively, in all the Petitions wherein Respondent No.2 refused to issue caste certificates to the petitioners certifying them as belonging to “Mahadev Koli” Scheduled Tribe. Being aggrieved, the petitioners preferred appeals before Respondent No.3, which came to be dismissed, thereby confirming the orders passed by Respondent No.2.

4. For convenience, the relevant dates and events in each Petitions are tabulated below:

Sr. No.	Writ Petition Numbers	Date of Impugned Order passed by R-2	Date of Impugned Order passed by R-3
1	5333 of 2023	10.04.2018	21.03.2022
2	5389 of 2023	10.04.2018	21.03.2022
3	5337 of 2023	10.04.2018	11.03.2022
4	5386 of 2023	10.04.2018	21.03.2022

5. Learned counsel for the petitioners submits that the controversy in the present matters pertains to refusal of issuance of caste certificates under Section 4 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 [hereinafter referred to as for short 'the said Act, 2000'] and does not involve adjudication of validity of caste certificate. It is contended that Respondent No.3 acted wholly without jurisdiction in undertaking a detailed enquiry touching upon the validity of the tribe claims.

6. Learned AGP, on the other hand, supports the impugned orders and submits that the authorities have duly considered the material placed on record and have rightly concluded that the

petitioners failed to establish their claims.

7. We have considered the submissions advanced by the learned counsel for the respective parties. An identical issue involving the very same respondents came to be considered by this Court in **Writ Petition No.4843 of 2026**. Thus the issue in hand is settled in view of said Writ Petition and earlier binding precedent in *Pratiksha d/o Vijay Sonone v. State of Maharashtra and Ors. (Writ Petition No.1502 of 2024)*, *Ku. Sarvesha Sudhakar Ghugare v. The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati (Writ Petition No.2011 of 2024)*, *Sushil s/o Rajendra Thakur and others v. The Sub-Divisional Officer, Daryapur (Writ Petition No.7081 of 2024)* wherein it is categorically held that the competent authority exercising powers under Section 4 the said Act, 2000, cannot embark upon a roving enquiry into the validity of a caste or tribe claim, as such exercise falls exclusively within the domain of the Scrutiny Committee under Section 6 the said Act, 2000.

8. A perusal of the impugned orders in the present Petitions reveals that Respondent No.2 has undertaken an elaborate enquiry into aspects such as genealogy, pre-independence documentary

evidence, and the probative value of various caste entries, which clearly travels beyond the limited scope of consideration permissible at the stage of issuance of caste certificate. The authority has, in effect, assumed the role of the Scrutiny Committee and adjudicated upon the validity of the tribe claim, which is impermissible in law. The petitioners have given family tree and produced ample documents which includes land record in the name of Kashappa Koli and school leaving certificate of Laxmanrao Ambaji Koli dated 25.01.1960. The Respondent No.2 erred in not relying such old documents of petitioner's ancestor consistently reflecting caste as Mahadev Koli.

9. Further, Respondent No.3 Scrutiny Committee, instead of correcting this jurisdictional error, has proceeded to affirm the same and has itself entered into a detailed scrutiny of the petitioners' claims on merits, as though it was exercising jurisdiction in validity proceedings. Such an approach is wholly contrary to the settled legal position and reflects a patent misdirection in law. The Scrutiny Committee, in absence of a caste certificate having been issued, could not have undertaken an adjudication of caste validity, and was required to confine itself to examining whether the refusal under

Section 4 was legally sustainable.

10. The approach adopted by both Respondent Nos.2 and 3 is thus in clear disregard of the law laid down by this Court in Writ Petition No.4843 of 2026 and the earlier precedents governing the field. The impugned orders, having been passed in excess of jurisdiction and upon considerations alien to the stage of issuance of caste certificate, cannot be sustained.

ORDER

(a) The writ Petitions are allowed.

(b) The impugned orders passed by Respondent No.2 – Sub-Divisional Officer, Solapur, dated 10.04.2018 as mentioned in Paragraph No.3 above refusing to issue caste certificates to the petitioners, and the consequential appellate orders passed by Respondent No.3 - Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune, as mentioned in Paragraph No.3 above confirming the same, are hereby quashed and set aside.

(c) Respondent No.2 – Sub-Divisional Officer, Solapur, shall issue caste certificates to the petitioners under Section 4 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, certifying them as belonging to “Mahadev Koli” Scheduled Tribe, within a period of three weeks from the date of receipt of a copy of this judgment.

(d) After the caste certificates are so issued, it shall be open to Respondent No.3 – Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune, to consider the petitioners’ caste/tribe claims afresh, if referred to it in accordance with the prescribed procedure, on its own merits and in accordance with law.

(e) Writ Petitions are disposed of. Rule is made absolute in the aforesaid terms. No order as to costs.

[NANDESH S. DESHPANDE, J.]

[MILIND N. JADHAV, J.]

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