



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15546 OF 2023

1. Sakshi Sagar Naik
Minor Thr. Her Father
Shr. Sagar Suresh Naik
Age : 33 years
Residing at Patthankodoli
Tal. Hatkanangle Dist. Kolhapur ...Petitioners
2. Sachin Suresh Naik
Age : 30 years
residing at Patthankodoli
Tal. Hatkanangle Dist. Kolhapure

Versus

1. State Of Maharashtra
Through its Secretary, Tribal
Development Department, Mantralaya,
Mumbai-400032.
2. Scheduled Tribe Certificate Scrutiny
Committee, Pune division, Pune,
Through its Member Secretary,
having its office at Kapil Towers,
C-Wing, near RTO Office, Pune -1
Dist. Pune.
3. Sub Divisional Officer,
Ichalkaranji Division, Ichalkaranji
Dist. Kolhapur. ...Respondents

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Adv. C. K. Bhangoji i/b V. A. Madne for the Petitioner.

Adv. Nisha Mehra, AGP for Respondent Nos. 1 to 3.

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**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 22nd NOVEMBER, 2024

ORAL JUDGMENT (Per Ravindra V. Ghuge, J.) :-

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. Petitioner No. 1 is the minor daughter of Sagar and Petitioner No. 2 is the biological brother of Sagar. The Petitioners have put forth prayer clause (a), as under :-

“(a) This Hon'ble Court be pleased to issue Writ of Certiorari and or any other Writ, Order or Direction in the nature of Certiorari thereby quashing and setting aside the impugned order dated 17th August, 2023 passed by the Respondent No. 2 Committee and orders dated 16.2.2023 passed by the Respondent No.3 Competent Authority, with further direction to the Respondent No.3 to issue Caste Certificate in favour of petitioners as belonging to Koli Mahadev, Scheduled Tribe.”

3. This is yet one more case, wherein, the Petitioners have been

refused the Koli Mahadev Scheduled Tribe Certificate, though the father of Petitioner No. 1 (Sagar), who is the biological brother of Petitioner No. 2 (Sachin), has been granted a Tribe Certificate by the Competent Scheduled Tribe Committee. The Petitioner has placed on record an extensive family tree which is marked as 'X' for identification.

4. Sagar and Sachin are the sons of Suresh and grand sons of Bapu Naik. Bapu Naik had two biological brothers, namely Shripati and Jaywant. All the three sons of Shripati, namely Shashikant, Shamkant and Nishikant and the son of Jaywant, namely Ashok, have been granted '***Mahadev Koli***' Scheduled Tribe Certificate [as was the nomenclature in *Writ Petition No.4536 of 2014 (Prakash s/o Subhash Bhople vs. Deputy Collector And Ors)* and connected matters].

5. The SDO has completely over-looked these aspects. Similar mistake is committed by the Competent Committee at Pune. When Sagar is granted the Schedule Tribe Certificate by the Competent Committee, we fail to understand as to why the SDO, Ichalkaranji and the Committee at Pune have rejected the claim of the Petitioners with a similar orders concluding that old record is not available to justify the claims of these Petitioners. We find that these authorities have dealt with these cases very

casually. The impugned orders reflect non-application of mind.

6. In view of the above, **this Writ Petition is allowed. The impugned orders are quashed and set aside.** Respondent No. 3 shall issue Koli Mahadev Schedule Tribe Certificates to the Petitioners, namely Sakshi and Sachin, within a period of 30 days from today with the correct spelling.

7. Needless to state that if Sagar or any of these Petitioners or any other paternal relative who has the Koli Mahadev Scheduled Tribe Certificate, approaches the Competent Committee for grant of Validity Certificate, this order shall not influence the Committee and the claims of such persons would be considered strictly in accordance with the provisions under The Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and the law laid down by the Hon'ble Supreme Court in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, AIR 2023 SC 1657.***

8. We have passed several orders in similar cases, imposing nominal costs. Despite the record of Tribe Certificates having been issued to paternal biological relatives, Tribe Certificates have been refused and, hence, we have imposed nominal costs. In this matter also, we are imposing nominal cost of Rs. 2,500/-, to be paid by Respondent No.3 SDO, Ichalkaranji and each of the Committee members of Respondent No. 2 Committee, to each of the Petitioners, within a period of 30 days from today.

9. Rule is made absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)