IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15136 OF 2023
WITH
WRIT PETITION NO.7137 OF 2024
WITH
WRIT PETITION(ST.) NO.32980 OF 2023

DATE OF DECISION : 26th NOVEMBER, 2024

For approval and signature of

THE HON'BLE SHRI RAVINDRA V. GHUGE, J.
AND
THE HON'BLE SHRI ASHWIN D. BHOBE, J.

1. Whether Reporters of local papers may be allowed to see the judgment ?)

2. To be referred to the Reporter or not ?)

3. Whether Their Lordships wish to see the fair copy of the judgment ?)

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any Order made thereunder ?)

5. Whether it is to be circulated to the Civil Judges ?)

6. Whether the case involves an important question of law and whether a copy of the judgment should be sent to Nagpur, Aurangabad and Goa Offices?)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(Sr.No.907) WRIT PETITION NO.15136 OF 2023

Suyesha Arun Vaswade
aged 23 years, residing at Dattawad,
Tal. Shirol, Dist. Kolhapur .....Petitioner

Vs.

1. State of Maharashtra through
its Secretary, Tribal Development
Department Mantralaya, Mumbai-400032.

2. Sub-divisional Officer and Competent
Authority, Inchalkaranji, Having its
office at Ichalkaranji Division, Dist. Kolhapur.

3. Scheduled Tribe Certificate Scrutiny
Committee, Pune through its Member
Secretary, having its office at 5th floor,
Kapil Towers, Opp. RTO office,
Pune, Dist. Pune. ....Respondents

WITH

(Sr.No.908) WRIT PETITION NO.7137 OF 2024

Anisha Arun Vaswade
aged 19 years, residing at Dattawad,
Tal. Shirol, Dist. Kolhapur …. Petitioner

Vs.

1. State of Maharashtra through
its Secretary, Tribal Development
Department Mantralaya, Mumbai-400032.

2. Scheduled Tribe Certificate Scrutiny
Committee, Pune through its Member
Secretary, having its office at 5th floor,
Kapil Towers, Opp. RTO office,
Pune, Dist. Pune.

3. Sub-divisional Officer and Competent
Authority, Inchalkaranji, Having its
office at Ichalkaranji Division, Dist. Kolhapur.

WITH

(Sr. No.915) WRIT PETITION(ST.) NO.32980 OF 2023

Ayush Arun Vaswade
aged 19 years, residing at Dattawad,
Tal. Shirol, Dist. Kolhapur. …..Petitioner

Vs.

1. State of Maharashtra through
its Secretary, Tribal Development
Department Mantralaya, Mumbai-400032.

2. Scheduled Tribe Certificate Scrutiny
Committee, Pune through its Member
Secretary, having its office at 5th floor,
Kapil Towers, Opp. RTO office,
Pune, Dist. Pune.

3. Sub-divisional Officer and Competent
Authority, Inchalkaranji, Having its
office at Ichalkaranji Division, Dist. Kolhapur.

Mr. Chintamani K. Bhangoji for the Petitioner.

Mr. Akshay Shinde, 'B' PNL for the State in WP/15136/2023.

Mr. Jay Sanklecha, 'B' PNL for the State in WP/7137/2024.

Mrs. M. S. Srivastava AGP for the State/Respondent Nos. 1 to 3 in WP(st)/32980/2023.

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

DATE : 26th 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. These three cases are yet some more examples of the

biological father having a Koli Mahadev Schedule Tribe Certificate and yet these three Petitioners, who are siblings, are refused the certificates, not only by the SDO, but, even by the three members committee.

3. These three siblings are the biological children of Arun Baburao Vasawade. Arun has two biological brothers namely, Kumar Baburao and Appaso Baburao. They also have the Koli Mahadev Tribe Certificate. Respondent No.2 SDO Ichalkaranji, by the impugned orders, has refused to grant the Tribe Certificate for the reason that one entry in the birth/death register of 1927 with regard to Appa Mayappa Vasawade, indicates only 'Koli'. Some entries which are recent in time, carry 'Hindu Mahadev Koli' entry.

4. The learned AGP has vehemently opposed these three petitions contending that the SDO as well as the Committee has relied upon certain records which indicate the social status as only Koli or Hindu Mahadev Koli or Koli Mahadev.

5. In our view, the grounds on which the claims of these three Petitioners have been rejected, at the stage of grant of Tribe

Certificate, do not have much significance. What is necessary to be scrutinized is that the biological father of these three Petitioners and his two biological brothers, have the Koli Mahadev Scheduled Tribe Certificates. If any of these candidates approach the Competent Committee for seeking a validity certificate 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 (the 2000 Act), the said cases can be strictly scrutinized and can be tested in the light of the law laid in catena of judgments. The latest view of the Hon'ble Supreme Court being in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others,*** AIR 2023 SC 1657

6. Since we have come across innumerable such cases and though this Court has been consistently setting aside the impugned orders, for granting Caste or Tribe Certificates, we find that the SDO and the Committee members do not seem to gather any meaning from our orders. One single order of this kind should be sufficient to enlighten the Committee and the SDO. However, despite repeatedly passing such orders, and repeatedly setting aside

the impugned orders, we find that the Committees and the SDOs continue to pass such orders and refuse caste/Tribe Certificates. We have, therefore, started imposing nominal costs on such Officers and Committee members with the hope that they would realize the error committed in passing the orders.

7. In view of the above, these **Writ Petitions are partly allowed**. The impugned orders are quashed and set aside. We direct the SDO to grant the Koli Mahadev Scheduled Tribe Certificates, with proper spelling, to all these three Petitioners within 30 days from today.

8. The concerned SDO, as well as each member of the Committee, would pay cost of Rs.2,500/- to each of these Petitioners, within a period of 30 days from today.

9. Needless to state, in the event, these Petitioners or Arun/Kumar/Appaso or any person from the paternal side, approaches the Committee for seeking validity certificate, this order would not influence the Committee which is at liberty to follow the due procedure laid down in law and under the 2000 Act by

independently scrutinizing each of such cases.

10. Rule is made partly absolute in the above terms.

(ASHWIN D. BHOBE, J.) (RAVINDRA V. GHUGE, J.)