

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 7120 OF 2015

UPALE RAYAT SHIKSHAN PRASARAK SANSTHA UPALE THROUGH ITS PRESIDENT  
AND ANOTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Sunil V. Warad  
AGP for the respondent Nos.1 and 2 : Mr. D.V. Tele.

**CORAM : A.V. NIRGUDE & A.M. BADAR, JJ.**  
**DATE : 16th JULY, 2015.**

**PER COURT:**

1] Heard. We heard the submissions made by the petitioners' advocate yesterday. Today, learned counsel for petitioners is absent.

2] We find that this petition is not at all maintainable for want of locus. Petition is also not maintainable because even on equity the petitioners have no case.

3] Facts in brief leading to this petition are as under :-

Respondent No.3 claiming to be belonging to Vimukta Jati by name "Rajput Bhamta" appeared for interview in petitioner No.2 School and was selected as Shikshan Sevak in the year 2005. In 2006, proposal for approval of the appointment of respondent No.3 was returned by the Education Officer directing that caste claim of respondent No.3 should be validated through Committee. The caste claim of petitioner was thus

referred to the Committee for validation. On 22.10.2010 the caste claim of the respondent No.3 was returned by the Committee to the petitioners on the ground that the evidence was not sufficient and adequate evidence should be submitted. The Committee did not decide the caste claim at all at that time, but, asked the petitioners to submit fresh documents in support of claim of respondent No.3. Thereafter, the Committee once again took up the case and after getting Vigilance Report, on 11.4.2014 the Committee issued caste validity certificate in favour of the respondent No.3. Before this could happen, the petitioners terminated the services of respondent No.3.

We are told across bar by learned counsel for the petitioners that aggrieved by such termination, the respondent No.3 filed an appeal before the school Tribunal. The said appeal was allowed. He further stated that the petitioners have already filed a writ petition challenging the judgment and order passed by the School Tribunal.

It is thus clear that the petitioners are interested in not continuing the respondent No.3 in service. In order to achieve this object, they have filed this petition with a prayer which is contrary to their earlier stand. Earlier, as stated above, after petitioners appointed the respondent No.3 as Teacher on the post of Shikshan Sevak reserved for Vimukta Jati, they believed that she belonged to such Vimukta Jati and her claim was sent for validation. As per their request, the Caste Scrutiny Committee examined her case and ultimately granted validation certificate to her which was

necessary for respondent No.3's continuation in service. Despite this, petitioners are now taking a contrary stand and they are trying to suggest that the Committee committed an error in issuing validity certificate to respondent No.3.

4] Petitioners do not have locus to challenge the validity of the certificate issued in favour of respondent No.3 because no loss is being caused to them on account of issuance of validity certificate to respondent No.3. On the contrary, they are seeking relief from this Court utilizing the Equity jurisdiction. The purpose of this petition is to settle their feud over termination of respondent No.3's service. In view of this, we do not wish to entertain this petition at all. Petition stands dismissed summarily.

**[A.M. BADAR]**  
**JUDGE**

**[A.V. NIRGUDE]**  
**JUDGE.**

grt/-