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

WRIT PETITION NO. 4708 OF 2016

Mr. Tanaji Maruti Dhanwade & Ors. ... Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. R.S. Apte, Senior Advocate with Mr. Sagar Ambedkar, for the
Petitioners.

Ms. Nisha Mehra, AGP for Respondent Nos. 1 to 5.

Mr. Abhijit P. Kulkarni, with Mr. Manoj Badgujar for Respondent
No.6.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**

DATED: 22ND NOVEMBER 2017

PC:-

By this writ petition, the petitioners challenge the order of the scrutiny committee dated 18th June 2015 granting a caste validity certificate in favour of the respondent no.6. The petitioners have challenged the caste validity certificate issued by the scrutiny committee in favour of the respondent no.6.

The learned counsel for the respondent no.6 has raised a preliminary objection to the tenability of the writ petition. It is stated that the petitioners would not have a locus standi to file the writ petition. It is stated that respondent no.6 is elected as the member of the grampanchayat and none of the petitioners had contested the elections against respondent no.6. It is stated that the question that a stranger cannot be permitted to meddle in the proceedings under Article 226 of the Constitution of India is not

res integra and the same has been considered and decided by the Supreme Court from time to time. It is stated that the said question has been exhaustively dealt with in the judgment of the Supreme Court in the case of **Ayaubkhan Noorkhan Pathan v. State of Maharashtra & Ors¹**. It is stated that unless the petitioner has a locus standi to challenge the caste validity certificate issued in favour of a person, he cannot be permitted to file the writ petition.

We uphold the preliminary objection raised on behalf of the respondent no.6 that the petitioner would not have a locus standi to file the writ petition. The petitioner had not contested the elections against the respondent no.6. The respondent no.6 claims to belong to 'Kunbi' caste which falls in the other backward classes. The petitioners claim to be social workers. A social worker may not be entitled to file a writ petition under Article 226 of the Constitution of India for challenging the caste validity certificate granted in favour of a stranger. The question involved in this case was considered by the Hon'ble Supreme Court in the case of **Ravi Yashwant Bhoir v. District Collector, Raigad & Ors²**. and lastly, by considering several judgments of the Supreme Court, it is held by the Supreme Court in the judgment of **Ayaubkhan (Supra)** that a stranger cannot be permitted to meddle in the proceedings, unless he satisfies the Court that he falls within the category of "aggrieved person". It is observed by the Supreme Court that only a person who suffers legal injury can challenge the action / order in a Court of law. The Hon'ble Supreme Court went on to add in the said reported judgment that

1 AIR 2013 Supreme Court 58.

2 AIR 2012 (4) Supreme Court Cases 407.

there must be judicially enforceable right available for enforcement, on the basis of which, writ jurisdiction is resorted to. In the instant case, we do not find that the petitioners have suffered any legal injury or they fall within the category of persons “aggrieved”. Merely because the petitioners claim that they are social workers, they cannot be permitted to challenge the caste validity certificate issued in favour of the respondent no.6. It cannot be said that because the caste scrutiny committee is empowered to initiate action for the cancellation of the caste validity certificate either *suo moto* or otherwise, a right would be created in favour of the petitioners to file the writ petition, challenging the caste validity certificate issued in favour of the respondent no.6, because they have meddled in the proceedings before the caste scrutiny committee.

By upholding the preliminary objection raised on behalf of the respondent no.6, we dismiss the writ petition with no order as to costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)