

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
BENCH AT AURANGABAD.**

**WRIT PETITION NO. 3225 OF 2016**

Balaji S/o Pandharinath Thorat ... Petitioner

**VERSUS**

The State of Maharashtra & Ors. ... Respondents

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Mr Sushant C. Yeramwar, Advocate for the petitioner  
Mrs M. A. Deshpande, AGP for respondent/State  
Mr N. B. Khandare, Advocate for respondent No. 3

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**CORAM : S. V. GANGAPURWALA &  
A. M. DHAVAL, JJ.**

**DATE : 13<sup>TH</sup> FEBRUARY, 2018.**

**ORDER:**

1. The petitioner is seeking directions against the Committee to decide his review application.

2. Mr Yeramwar, the learned counsel for the petitioner submits that, respondent no. 3 has obtained the validity certificate on the basis of false and frivolous documents. The petitioner got the knowledge of false documents being filed by respondent no. 3 while getting the validity certificate. The petitioner had applied under Right to Information Act and got the documents i.e. the school record. The learned counsel submits that, there is absolutely no

record with respondent no. 3 to claim that he belongs to Lingder, Scheduled Caste. The validity has been granted in a casual manner by the Committee. The petitioner has *locus-standi* to challenge the validity granted to respondent no. 3. The learned counsel relies on the judgments of the Apex Court in the cases of Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and others reported in 2013 (4) SCC 465, S. P. Gupta v. President of India reported in AIR 1982 SC 149, so also the judgment of the Division Bench of this Court in the case of Maharashtra Adiwasi Mana Jamat Mitra Mandal, Nagpur & Anr. v State of Maharashtra & Ors. reported in 2017(1) Mh.L.J. 277.

3. Mr Khandare, the learned counsel for respondent No. 3 submits that, the petitioner does not have *locus-standi* to assail the validity granted in favour of respondent no. 3 by duly constituted committee. Respondent No. 3 is in service and at present resident of Barshi Road, Latur, Dist. Latur, whereas the petitioner is resident of Mugat, Tq. Mukhed, Dist. Nanded. The present petition is a motivated petition filed at the behest of one Mr. Govind Rathod. The respondent no. 3 as a Dy. Superintendent of Anti-Corruption Bureau, Latur had successfully laid a trap on Govind Rathod, who was at the relevant time working as Police Inspector at Udgir, Dist. Latur. Said Govind Rathod was caught accepting Rs. 1.00 lakh bribe and criminal

case was lodged against him and said Govind is indulging in making false complaints against respondent no. 3. The petitioner is a proxy of said Govind.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. The Apex Court in a case of Ayaaubkhan (supra) has observed as under :

*22. Thus, from the above it is evident that under ordinary circumstances, a third person, having no concern with the case at hand, cannot claim to have any locus-standi to raise any grievance whatsoever. However, in the exceptional circumstances as referred to above, if the actual persons aggrieved, because of ignorance, illiteracy, inarticulation or poverty, are unable to approach the Court, and a person, who has no personal agenda, or object, in relation to which, he can grind his own axe, approaches the Court, then the Court may examine the issue and in exceptional circumstances, even if his bona fides are doubted, but the issue raised by him, in the opinion of the Court, requires consideration, the Court may proceed suo-motu, in such respect.*

5. The petitioner is not concerned with the respondent in whatsoever manner. The petitioner claims to be labour and social worker, residing at Mugat, Tq. Mukhed, Dist. Nanded whereas, respondent no. 3 is residing at Amkeshwar Nagar, Barshi Road, Latur. Both are residing in different districts. Both in noway would come across each other in any walk of life nor any incident is spelt out in the whole petition as to how the petitioner could get the knowledge about working of respondent no. 3 and the issuance of validity certificate.

6. The validity is issued in favour of respondent no. 3 on 10.03.2014. It is also not made clear as to what was the reason for the petitioner to get the knowledge of the validity in favour of respondent no. 3. The petitioner is not even remotely concerned with the working of respondent no. 3 nor at any point of time had occasion to come across the claim of respondent no. 3. The petition also does not whisper about any such cause for the petitioner to consider the caste of respondent no. 3 or as to how the petitioner was affected.

7. In light of that, the case put forth by respondent No. 3 in his affidavit-in-reply that the petitioner is put up by one Govind Rathod against whom respondent no. 3 had laid a trap in corruption case appears to be probable.

8. The petition lacks *bona fide* and appears to have been filed with ulterior motive.

9. Considering the observations of the Apex Court in the Ayaaubkhan's case (*supra*), the petitioner does not have *locus-standi* to challenge the validity of respondent no. 3.

10. The writ petition as such is dismissed. The amount deposited stands forfeited.

**[ A. M. DHAVAL ]**  
**JUDGE**

**[ S. V. GANGAPURWALA ]**  
**JUDGE**

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