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

PUBLIC INTEREST LITIGATION NO.126 OF 2018

1. Bhaskar s/o Vishnu Mapari,
Age: 50 years, Occ: Agri.,
R/o. Loni (Kh), Tq. Rahata,
Dist. Ahmednagar.
2. Gorakhdada s/o Yashwantrao Gaware,
Age: 45 years, Occ: Press
Reporter (Loksangram Parishad),
R/o. Babhleshwar, Tq. Rahata,
Dist. Ahmednagar. ..PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Tribal Development
Department, Tribal Research
and Training Department,
Pune (M.S.).
2. The Deputy Collector,
Sanjay Gandhi Yojana,
10th Floor, Administrative
Building, Chetna College,
Govt. Colony, Bandra East,
Mumbai 400 051.
3. The Divisional/Deputy Commissioner,
Caste Scrutiny Committee,
Vartak Nagar, Prabhog Samiti
Office, 3rd Floor, Vedant Sankul,
In front of Cores Company,
Vartak Nagar, Thane
West 400 406.
4. The Secretary,
Public and Works Department,
Mantralaya, Mumbai.

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5. The Chief Executive Engineer,
Maharashtra State, Police
Housing and Welfare Corporation
Ltd., Varli, Mumbai.

6. Arun s/o Vithal Nagpure,
Age: 55 years, Occ: Service,
Maharashtra State Police
Grahanirman and Kalyan
Mahamandal Ltd., C/o. Plot No.89A,
near Police ground, Sir
Pochkhanwsala Road, Varli,
Mumbai 400 030.

..RESPONDENTS

Mr B.V. Dhage, Advocate for petitioners;
Mr A.R. Kale, A.G.P. for respondent/State;

**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 19th OCTOBER, 2018

ORAL ORDER :

Heard learned Counsel appearing for the
petitioners.

2. The petitioners are before this Court. Out
of these two petitioners, as per status referred of
the petitioners in the title clause of the
petitioners, petitioner No.1 is an agriculturist,
resident of Loni (Kh), Taluka Rahata, District

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Ahmednagar and petitioner No.2 is press reporter also resident of Ahmednagar Distrit. The petitioners have not provided their better particulars in the petition though there is specific clause. It is also not stated in the petition, what prompted these petitioners to approach this Court by way of this public interest litigation and then prayer of the petitioners. Though petition is styled as public interest litigation, it is very interesting to note prayer clauses-B, C and D.

3. Prayer clause (B) reads thus :

"(B) Their Lordship be pleased to issue the writ of mandamus or any other appropriate writ, order, direction in the nature of mandamus directing the respondent No.1 to take the appropriate action against the Government employees who have secured the employment on the basis of false certificate of another caste under, reserved category belonging particular caste like Halba or any other caste but he does belongs to that caste

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and the candidates those who are in Government and semi Government employment in reserved category but who have not validated their caste certificate since the appointment till today in spite of Government directed to the employee to validate their caste."

4. Prayer clause-B is a direction sought for which is an absolute, which is a direction in the nature of blanket direction and we have no hesitation to say that this prayer is as vague as it could be.

5. Prayer clause-C reads thus :

"C. Their Lordship may pleased to issue the writ of mandamus or any other appropriate writ, order, direction in the nature of mandatory, directing the respondent No. 1,3 and 4 to cancel the caste certificate issued to the petitioners bearing caste certificate no.471 dated 30.9.1978 validated on 29.2.2012 vide validation No.279444."

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6. Now, this prayer is also not only under an erroneous impression but the prayer itself is again misquoted prayer only on the assumption and presumption of the petitioners.

7. Again prayer clause (D) is a prayer seeking direction to respondent No. 4 to remove respondent No.6 from the post of Engineer and stop all the benefits which are available in the post of No.6 as per law. Respondent No.6 is said to be a person in service in which service he is engaged. There are no details except the word service and resident of Mulund, no other details of respondent No.6 are referred to and moreover, the petitioners by way of this petition, seeking a challenge to service of respondent No.6. This certainly cannot be a scope in public interest litigation.

8. If the petitioners are aggrieved by some reasons, they may avail other remedies available for them in service jurisprudence before the competent forum if so advised. The petition being

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thoroughly meritless and wholly misconceived, we are not inclined to entertain the same. The petition, as such, is dismissed at the threshold.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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