

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

WRIT PETITION NO. 7527 OF 2011

Sayed Moinoddin Sayed Sayfoddin Inamdar ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr S. P. Brahme, Advocate h/f Mr Sagar S. Phatale, Advocate for the
petitioner
Mrs Vaishali N. Patil-Jadhav, AGP for respondent/State
.....

WITH

**CIVIL APPLICATION NO. 14057 OF 2012
IN
WRIT PETITION NO. 7527 OF 2011**

Sayed Moinoddin Sayed Sayfoddin Inamdar ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

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Mr S. P. Brahme, Advocate h/f Mr Sagar S. Phatale, Advocate for the
petitioner
Mrs Vaishali N. Patil-Jadhav, AGP for respondent/State
.....

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

DATE : 20TH FEBRUARY, 2018.

ORDER:

1. The petitioner is challenging the validity granted in favour of respondent No. 3 of Thakur (Scheduled Tribe).

2. Mr Brahme, learned counsel for the petitioner submits that, the Committee has passed an unreasoned order. The respondent No. 3 does not belong to Thakur (Scheduled Tribe). No enquiry has been made by Vigilance. The learned counsel submits that, the petitioner is a social worker and has got *locus-standi* to challenge the validity obtained by fraud, in the public interest. The learned counsel relies on the judgment of the Division Bench of this Court in the case of Maharashtra Adiwasi Mana Jamat Mitra Mandal, Nagpur and another vs. State of Maharashtra and others reported in 2017(1) Mh.L.J. 227.

3. The validity certificate is issued in favour of respondent no. 3 belonging to Thakur (Scheduled Tribe) in the year 1997. The petitioner claims to be a social worker. The fraud vitiates every solemn act. Such a proposition does not require any debate. The petitioner is not even remotely related or concerned with respondent no. 3. The petitioner also does not state the cause for getting

knowledge of respondent no. 3 having the validity certificate of Thakur (Scheduled Tribe).

4. The document on record shows that, the service book of respondent no. 3 records caste as Thakur (Scheduled Tribe). The said document is old document having more probative value. The son of respondent no. 3 is also issued with the validity certificate of Thakur (Scheduled Tribe) in the year 2010. The documents on record show the caste of respondent No. 3 as Thakur (Scheduled Tribe).

5. The Apex Court in the case of Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and others reported in 2013 (4) SCC 465, has observed thus:

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.

6. No exceptional circumstances are brought about. It appears that, the petitioner to ventilate his personal grudge has approached this Court that too after 14 years of the validity being issued in favour of respondent No. 3.

7. Considering the above, the petition does not appear to be *bona fide*. The writ petition is dismissed with costs of Rs. 25,000/- to be payable by the petitioner.

8. In view of disposal of writ petition, nothing survives for consideration in the connected civil application and same stands disposed of.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE