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

PUBLIC INTEREST LITIGATION NO. 18 OF 2019

Adivasi Kalyan Sanvardhan Sanstha

... Petitioner.

V/s.

Union of India and Ors.

... Respondent.

Mr. K.T. Pawar for the Petitioner.

Mr. P.P. Kakade, GP a/w. Ms. Nisha Mehra, AGP for the State.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 5 JULY 2019.

P.C. :-

The Petitioner, stated to be working for the welfare of Scheduled Tribe Community, has filed this Petition in the public interest for a direction to the State Authorities to issue Caste Certificate to the members of the Scheduled Tribe Community without insisting on evidence in respect of their place of residence.

2. The Petitioner has averred that from the year 1956, the benefits of reservation policy to the members of Scheduled Tribe were extended only to those residing in particular areas as notified. It is stated that these restrictions were removed on 29 July 1977, yet the authorities are insisting on the candidates to get the certificates from these areas. It is contended that law as it stands. The benefit of reservation policy cannot be refused to the members of the Scheduled Tribe requiring them to establish connection with the notified area, which concept no longer exist.

3. This is a ground on which many of the orders are passed by the Caste Verification Scrutiny Committee. The persons whose caste certificates have been invalidated on this ground challenge the orders invalidating by filing individual Writ Petition and this issue is agitated. Therefore, it is not necessary that the Petitioner should raise this issue for the benefit of all the Applicants of caste validity certificate in general, as the Court can look into the contention in an individual Writ Petition and decide the same as per law.

4. The Petitioner had earlier filed a Writ Petition and the Petitioner had withdrawn the same. The fact that the Court recorded that the Petitioner would be at liberty to file a Public Interest Litigation was in the context of Writ Petition not to be entertained does not mean that the Court had opined that the cause

made out needs to be redressed in public interest irrespective of the
locus standi

5. With these observations, the Petition is dismissed.

N.M. JAMDAR, J.

CHIEF JUSTICE