

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

**CIVIL APPLICATION NO.5204 OF 2022
IN
WRIT PETITION NO.1992 OF 2022**

**ORIGINAL FOR RIGHTS OF TRIBAL MR.SHUBHAM
SHIVAJI GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

None for the Applicant.

Advocate for the original petitioner : Shri Thorat Chandrakant R.
AGP for the Respondents/ State : Shri S.P. Tiwari

...

**CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.**

DATE :- 22nd June, 2022

Per Court :-

1. None for the applicant.
2. The applicant is “*original for rights of tribal Mr.Shubham s/o Shivaji Gaikwad, Age : 19 years, Occ : student.*” (reproduced verbatim). In the memo of the application, it is set out that the applicant is the President of the organization for rights of tribals and it is working for the welfare of the persons belonging to the tribal community. He is a 19 years old student and alleges irregularities committed by some persons. He

seeks leave to intervene in the present writ petition by arraying him as a respondent.

3. The learned advocate for the petitioner places before us an order dated 04.12.2020 delivered by this Court at Nagpur (Coram : Sunil B. Shukre and Avinash G. Gharote, JJ) in Civil Application (stamp) No.11092/2020. The applicant therein was “Tribal Officers Forum” and desired to intervene in the pending Writ Petition (stamp) No.11054/2020. The learned Division Bench recorded in paragraphs 5 and 6 of the order dated 04.12.2020 as under :-

- “5. In our opinion, the strong disagreement of learned counsel for the petitioner with submissions of learned counsel for the applicant is not without any value rather is something we would accept. We do not understand as to how in an exclusively personal matter; undeniably caste claim is an exclusively personal claim, any outsider can interfere and prevent a party from proving the personal claim in accordance with law. In such cases, the personal claim is required to be proved in accordance with law before the Authority appointed for the purpose under the relevant statute and the question that is to be decided would only be whether such personal claim is proved or not.*
- 6. Such being the nature of the proceeding, if any outsiders are to be permitted to barge in and start opposing the claims, the proceeding would be reduced to an adversarial proceeding as if, some private dispute is going on between the parties. These are not adversarial proceedings in the strict*

sense of the term and the proceedings are held only for verifying as to whether or not the claim as regards a particular social status made by candidate or applicant is correct or not. Besides, a caste or tribe, as a concept of social stratification, is not a preserve or fiefdom of few who would stoutly fight to keep their field inviolate and free from what they perceive as intrusion, though the law does not see the things that way. In such matters, it is only the perception and perspective of law and no one else's that matters. So, the applicants would not and cannot have any say in the matter. The applicant was also not a party before the committee. Therefore, we are of the considered view that such intervention application cannot be allowed and it is rejected."

4. We are in agreement with the view expressed by the Nagpur Bench.

5. This Civil Application, being devoid of merit is, therefore, rejected.

kps (ANIL L. PANSARE, J.) (RAVINDRA V. GHUGE, J.)