



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

**54 WRIT PETITION NO. 8744 OF 2024
(Board dt.19.08.2024)**

SAMBHAJI SHANKAR KHAIRWAD

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Shri Tekwad Shivanand D., Advocate for the Petitioner.
Shri S.K. Tambe, AGP for Respondent Nos.1 to 4/State.

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 20th August, 2024

Per Court :-

1. This is yet another case wherein, the Petitioner attempts to misuse or rather abuse the process of law.

2. A person, namely, Akash Amrut Avatare, who belongs to 'Mahar' caste, Scheduled Caste category, has been granted a certificate of validity on 03.06.2009 by the competent Scrutiny Committee under the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category

(Regulation of Issuance and Verification of) Caste Certificate Act, 2000. After 15 years, for the reasons best known to the Petitioner, he seeks to challenge the validity certificate of Akash, who is not even arrayed as a Respondent in this petition. The contention is that the Petitioner is a social worker. His prayer is that the validity certificate issued to Akash should be investigated into.

3. The Petitioner relies upon the communication dated 11.06.2024, addressed by the District Collector, Latur, to the Chairman of the District Caste Scrutiny Committee, Latur, setting out therein that, as a complaint has been filed by the present Petitioner alleging that Akash has fraudulently obtained the validity certificate, a report may be tendered to the office of the District Collector.

4. Less said better, in such matters where a bystander levels reckless allegations and high ranking authorities like the District Collector Latur, takes cognizance of such complaint, which invariably leads to harassment of the candidate against whom such allegations are made.

5. We have come across several such cases of bystanders or purported social workers or persons heading political parties, have lodged complaints with the authorities like the Deputy Director of Education or even the University, leveling allegations of illegal appointments and praying for termination of services of such appointed candidates and such authorities have entertained such complaints. For example, vide the order dated 01.08.2024 passed in Writ Petition No.7964/2024 (***Vikas Dharma Sonawane and others vs. The State of Maharashtra and others***) and the order dated 06.08.2024 passed in Writ Petition No.4893/2024 (***Pratidnya Trimbakrao Chavan and others vs. The State of Maharashtra and others***) and Writ Petition No.4901/2024 (***Jyoti Sonajirao Biradar and others vs. The State of Maharashtra and others***), we have made certain observations against such bystanders and have restrained the authorities from entertaining such complaints.

6. We, therefore, deprecate the action of entertaining such complaints and we are surprised that the District Collector, Latur, has issued the said letter dated 11.06.2024. It is high time

that such bureaucrats apply their minds to such complaints and instead of entertaining such complaints involving reckless allegations, they should ignore such complaints.

7. In view of the above, **this Writ Petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand).**

The said amount shall be deposited by the Petitioner in this Court within a period of 15 (fifteen) days from today. After the amount is deposited, in view of the suggestion of the learned AGP, the Registry shall transmit the said amount to the orphan's home, namely, Infant India, Anandwan, 659/Infant Hill, Infront of Bindusara Dam, N.H. 211, Pali, Beed-431122, Mobile-9422693585/ 9822456411, Canara Bank A/c No.3773201000011, IFS Code CNRB0003773.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)