



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3927/2023

Akhil Bhartiya Banjara Sena through its General Secretary

Vs.

State of Maharashtra, Through its Secretary, Ministry of Social Justice and
Welfare and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Arjun Deshmukh, Adv. h/f Mr. R.R. Vyas, Adv. for Petitioner
Mr. V.A. Thakare, AGP for Respondent Nos.1, 2, 4 and 6
Mr. S.R. Narnaware & Mrs. S.P. Giratkar, Advocate for Respondent
Nos.8 and 9

**CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATED : 29th AUGUST, 2024

1. Heard.

2. The petition questions the decision dated 18.1.2001 by which the respondent No.8 has been granted validity by the Caste Scrutiny Committee of belonging to Banjari NT. The petitioner is an Association and is represented through its General Secretary Rajesh Fakira Rathod, who professes to espouse the welfare and cause of the Banjara community. The locus of the petitioner is being questioned by the learned counsel for the respondent No.8 by relying upon **Ayaaubkhan Noorkhan Pathan Vs State of Maharashtra and Ors., AIR 2013 SC 58**, in which a challenge to the validity granted at the behest of a third person who is not aggrieved by the same has been repelled in the

following terms :

“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 bonafides 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.”

3. It is not the contention of the petitioner, that any person aggrieved by the grant of validity to the respondent No. 8, had approached the petitioner to espouse his cause. In the light of which, we do not see any locus in the petitioner to challenge the grant of validity to the respondent No.8, more so on the ground that the validity has been granted in the year 2001 and the petition has been filed in 2023. The petition is dismissed on the ground of absence of locus. No costs.

(SMT. M.S.JAWALKAR,J.)

(AVINASH G. GHAROTE,J.)