

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

**THE HON'BLE JUSTICE SUJOY PAUL
&
THE HON'BLE JUSTICE SMITA DAS DE**

WPA(P) 170 of 2025

**The All India Matua Mahasangha & Ors.
Vs.
The State of West Bengal & Ors.**

Appearance:

For the Petitioners : **Mr. Arunangshu Chakraborty, Adv.
Mr. N.C. Dey, Adv.
Mr. Arijit Bera, Adv.
Ms. Saika Amrin, Adv.
Ms. Zeba Rashid, Adv.
Mr. Maheswar Malo Das, Adv.**

For the Respondent No. 6, 7 & 9 : **Mr. Soumya Majumder, Ld. Sr. Adv.
Ms. Afreen Begum, Adv.
Mr. Ratikanta Pal, Adv.**

For the Respondent No. 8 : **Mr. Shamit Sanyal, Adv.
Ms. Priyakshi Banerjee, Adv.**

For the Respondent No. 10 : **Mr. Uday Sankar Chattopadhyay, Adv.
Ms. Bidisha Chakraborty, Adv.**

For the State : **Mr. Kalyan Bandopadhyay, Ld. Sr. Adv.
Mr. Sk. Md. Galib, Ld. Sr. Adv.
Mr. Arka K. Nag, Adv.
Ms. Priyamvada Singh, Adv.**

Heard On : **27.08.2025**

Judgment On

: **02.09.2025**

Sujoy Paul, J.:

1. In this public interest litigation, the petitioners have prayed for issuance of a writ of mandamus to cancel/set aside the SC/ST Certificates issued in favour of private respondents. It is also prayed that a direction be issued to CBI or to any other independent agency to investigate into the fraudulent grant of Caste Certificates to various people during last 15 years.
2. Learned Counsel for the petitioner at the outset informed that the petitioners preferred complaints regarding issuance of Cast Certificate to ineligible persons and upon taking cognizance of such complaints, the concerned Sub-Divisional Officer has already initiated proceedings. Thus, said authority may be directed to complete the proceedings.
3. The learned Counsel for petitioner has taken pains to contend that this PIL is maintainable. The PIL is filed in public interest and in addition, an element of public law is also involved in this matter. Thus, this Court can exercise its public law jurisdiction. Reference is made to the judgment of Supreme Court in the case of ***Indian Bank vs. Godhara Nagrik Cooperative Credit Society Limited and Another*** reported in **(2008) 12 SCC 541**.
4. The Judgment of Supreme Court in the case of ***Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra and Ors.*** reported in **(2013) 4 SCC 465** is relied upon to urge that the concept of *locus standi* has undergone

a sea change and rigid or orthodox rule of interpretation regarding *locus standi* must be eschewed.

5. Another judgment in the case of ***Institute of Law, Chandigarh and Ors. vs. Neeraj Sharma and Ors.*** reported in **(2015) 1 SCC 720** is referred to canvass that wherever there is a public wrong or public injury caused by an act or commission of the State or by a public authority which is contrary to the constitution or the law, any member of public acting *bona fide* and having sufficient interest can maintain an action by way of PIL.
6. The next reliance is on an order of Supreme Court in the case of ***The State of West Bengal & Ors. vs. Dipak Mishra*** dated **26.03.2021 (SLP-Crl Nos. 2669-2670/2021)** wherein it was held on 26.03.2021 that merely because the petitioner belongs to a political party, PIL cannot be thrown out. The judgment in the case of ***Adarsh Shiksha Mahavidyalaya vs. Subhash Rahangdale and Ors.*** reported in **(2012) 2 SCC 425** is referred in support of the submission that a new dimension needs to be given by the Superior Courts to make investigation into the issues of public importance even though the petitioner may have moved the Court for vindication of a private interest. Based on these judgments, it was urged that PIL is maintainable and grievances canvassed are not only confined to the relief relating to “service matter”.
7. Sri Kalyan Bandopadhyay, learned Senior Counsel appearing for the State submits that the petitioners have filed copy of the **West Bengal Scheduled Caste and Scheduled Tribes (Identification) Act, 1994** (in short “**SC/ST Act**”) along with the PIL. It is submitted that Section 8A (1)

of this enactment provides the Constitution of “State Scrutiny Committee” for verification of social statues of a person in whose favour a certificate is issued. Section 9 (1) of the Said Act is referred to show that if certificate issuing authority is satisfied that a certificate under this Act has been obtained by fraud or misrepresentation or suppression, the authority may cancel, impound or revoke such certificate in accordance with law. Thus, petitioner has a statutory remedy under the Act and the rules framed thereunder, namely, the **West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995** (Rules of 1995). Reference is made to Rule 3 which deals with procedure for cancellation, impounding or revocation of the certificate. Sri Bandopadhyay, learned Senior Counsel, fairly submitted that he has no objection if petitioners press their applications for revocation of Caste Certificate issued in favour of ineligible persons before the concerned Sub-Divisional Officer and said authority decides it.

8. On the aspect of maintainability, the learned Senior Counsel for the State placed reliance on the judgment in the case of ***Dattaraj Nathuji Thaware vs. State of Maharashtra and Ors.*** in ***(2005) 1 SCC 590***, ***Neetu vs. State of Punjab and Ors.*** in ***(2007) 10 SCC 614*** and ***Jaipur Shahr Hindu Vikas Samiti vs. State of Rajasthan and Ors.*** ***(2014) 5 SCC 530***. These Judgments are relied upon to contend that the antecedents of the petitioner and cause highlighted must be examined with circumspection. Under the guise of PIL, the undue benefits cannot be claimed.

9. The Judgments in ***Neetu vs. State of Punjab and Ors.*** in ***(2007) 10 SCC 614*** and ***Jaipur Shahar Hindu Vikas Samiti vs. State of Rajasthan and Ors.*** in ***(2014) 5 SCC 530*** were referred to press the point that since the concerned SDO has already started action as regards the Caste Certificate, PIL cannot be entertained. Similarly, since under Section 9 of the SC/ST Act read with Rule 3 of the Rules of 1995, the petitioners have a remedy to apprise the issuing authority about issuance of illegal SC/ST Certificates and said authority has already initiated action, their interest is protected and the controversy needs to be dealt with by the mechanism, provided under the Act and the Rules made thereunder. The PIL is not maintainable.
10. Learned Counsel for private respondent strenuously contended that the PIL is politically motivated. The petitioner No. 1, association is not an association of SC/ST people. The petitioner No. 1 is a kind of sect which follows the teachings of a Guru and, therefore, has no right to raise the grievances of SC/ST Community. Few petitioners are political leaders and on their behest, PIL is not maintainable.
11. No other points is pressed. We have heard the parties at length and perused the record.

Findings:-

12. The learned counsel for the petitioner placed reliance on the judgment of the Supreme Court in the case of ***Indian Bank (supra)***, ***Ayaaubkhan Noorkhan Pathan (supra)***, ***Institute of Law, Chandigarh & Ors. (supra)*** and ***Adarsh Shiksha Mahavidyalaya & Ors. (supra)***. In these

judgments, the Apex Court considered the ambit and scope of public interest litigation and opined that the aspect of *locus standi* in the matter of PIL has undergone change. An orthodox rule of interpretation must be ignored. A careful reading of both the judgments show that in these cases, the question whether a PIL should still be entertained when a statutory mechanism for cancellation/revocation of caste certificate is in place and petitioners have already availed the same was not the issue or subject matter of consideration. Putting it differently, in this case undisputedly, the SC/ST Act and the Rules of 1995 provides that the caste certificate obtained by way of misrepresentation, fraud or suppression can be revoked and admittedly, petitioners have approached the concerned Sub-Divisional Officer for its revocation. Since, this aspect of availability of statutory mechanism was not dealt with in aforesaid judgments, the said judgment cannot be mechanically pressed into service to maintain the PIL.

13. So far judgment in ***The State of West Bengal & Ors. (supra)*** is concerned, there is no cavil of doubt that if PIL raises a public cause and is otherwise maintainable, it cannot be thrown to winds merely because petitioner has any political affiliation. We find no difficulty in accepting the said proposition and therefore, we are unable to persuade ourselves with the line of argument of private respondents that PIL is not maintainable because some of the petitioners have political links/affiliation.

14. In most of the cases cited by the State, the Apex Court reiterated that the Courts must be very cautious and careful while entertaining a PIL. The judiciary should deal with the misuse of public interest litigation with iron hand. If PIL is permitted to be misused, the very purpose for which it is conceived, namely, to come to the rescue of the poor and downtrodden will be defeated. The Court must discourage the unjustified litigants at the initial stage itself. In the realm of PIL, the Courts while protecting the larger public interest involved, should at the same time look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy of dispute can be adjudicated by a mechanism created under a particular statute, the parties should be sent to said forum rather entertaining the PIL. **[see Para 49 of the judgment of Supreme Court in Jaipur Shahar Hindu Vikas Samiti (supra)]**
15. The Apex Court in ***The State of West Bengal & Ors. (supra)*** held as under:
- “8. Therefore, as rightly submitted by learned counsel for the appellant, writ petition itself was not maintainable. To that extent the High Court’s order cannot be maintained. But it appears **that the official respondents have already initiated action as regards the caste certificate.** Though PIL is not to be entertained in service matters, that does not stand in the way of the officials from examining the question in the right perspective. In the present case admittedly the officials have initiated action. What action will be taken in such proceedings is not the subject matter of controversy in the present appeal. However, it shall not be construed as if we have expressed any opinion on the merits of the proceedings stated to be pending. The only issue which has been examined relates to the locus standi of the writ petitioner (Respondent 7) to file PIL.”*
(Emphasis Supplied)

16. Pertinently, in the case of **Neetu (supra)** the matter was relating to the issuance of Scheduled Castes Certificate on the strength of which the private respondents therein got appointment as Audit Inspector. While directly dealing with a matter relates to validity of castes certificate, the Apex Court candidly held that PIL cannot be entertained when an appropriate remedy can be availed by the petitioner. Similarly, in **Jaipur Shahar Hindu Vikas Samiti (supra)** it was held as under:

“49. The concept of public interest litigation is a phenomenon which is evolved to bring justice to the reach of people who are handicapped by ignorance, indigence, illiteracy and other downtrodden people. Through the public interest litigation, the cause of several people who are not able to approach the court is espoused. In the guise of public interest litigation, we are coming across several cases where it is exploited for the benefit of certain individuals. The courts have to be very cautious and careful while entertaining public interest litigation. The judiciary should deal with the misuse of public interest litigation with iron hand. If the public interest litigation is permitted to be misused the very purpose for which it is conceived, namely, to come to the rescue of the poor and downtrodden will be defeated. The courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under a particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petitioner filed as public interest litigation.”

(Emphasis Supplied)

17. It is noteworthy that the petitioners have placed reliance on various judgments of Supreme Court but none of those judgments were directly dealing with the aspect of validity of caste certificate coupled with the fact that for redressal of grievance relating to issuance of alleged fake caste certificates a statutory mechanism is in place. The respondents, on the other hand, have placed reliance on the judgment of the Supreme Court

in ***Neetu (supra)*** and ***Jaipur Shahar Hindu Vikas Samiti (supra)*** wherein it was clearly held that where there exists a mechanism created under a particular statute, the parties should be relegated to that appropriate forum instead of entertaining the PIL.

18. In view of these direct judgments, the judgments cited by learned counsel for the petitioners cannot improve his case.
19. This is trite that precedent is what has been actually decided and not what is logically flowing therefrom [see **AIR 1968 SC 647 (State of Orissa vs. Sudhansu Sekhar Misra & Ors.)**, **AIR 1976 SC 1766 (Regional Manager & Anr. vs. Pawan Kumar Dubey)**, **AIR 1987 SC 1073 (Ambica Quarry Works vs. State of Gujarat & Ors. and Ambalal Manibhai Patel & Ors. vs. State of Gujarat & Ors.)** and **(2006) 1 SCC 368 (Union of India & Anr. vs. Major Bahadur Singh)**]. This is equally settled that a different factual background may change the precedential value of a judgment (see **Bhavnagar University vs. Palitana Sugar Mill Pvt. Ltd. & Ors** reported in **2003 (2) SCC 111**). In the instant case, the judgments in ***Neetu (supra)*** and ***Jaipur Shahar Hindu Vikas Samiti (supra)*** are directly on the point of availability of statutory mechanism for the present grievance and therefore, we are inclined to follow the ratio *decidendi* of the these judgments.
20. As analyzed above, the petitioners not only have the statutory remedy under the SC/ST Act and Rules, they have admittedly availed it and their complains are pending consideration before the authority (Sub-Divisional Officer). At the cost of repetition, it may be remembered that Shri Kalyan

Bandopadhyay, learned senior counsel has agreed that State has no objection if said Sub-Divisional Officer decides the aspect of issuance of caste certificates.

21. Thus, in tune with the judgment of Supreme Court in ***Neetu (supra)*** and ***Jaipur Shahar Hindu Vikas Samiti (supra)***, we are constrained to hold that this PIL is not maintainable. Petitioners' interest can be protected and controversy can be adjudicated in a mechanism created under the statute. Thus, PIL is not entertained. However, this order will not stand in the way of officials from examining the question in the right perspective and take a decision on validity of caste certificates in accordance with law. With aforesaid observation, PIL is **dismissed**.
22. Urgent Photostat certified copies of this judgment, if applied for, be made available to the parties subject to compliance with the requisites formalities.

(Sujoy Paul, J.)

I agree.

(Smita Das De, J.)