

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7734 OF 2024

Ramesh Gyanuji PaulkarPetitioner
versus
The State of Maharashtra & Ors.Respondents

Mr. Rakesh Agarwal a/w Mr. Anand Kumar Singh, Advocate for the
Petitioner.

Mr. Sarang S. Aradhye a/w Ms. Gauri Velankar & Mr. Shantanu
Gurav, Advocate for Respondent No.3-KDMC.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. V.M. Mali, AGP for Respondent
Nos.1&2-State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 25th FEBRUARY, 2025

P.C. :-

1. On 13th August, 2024, this Court [Coram: Nitin Jamdar
(as his Lordship then was) & M.M. Sathaye, JJ.], passed an order as
under:

*“The locus of the Petitioner is questionable. The
Petitioner has claimed himself to be a General Secretary of an
Organization, and filed the Petition in his personal capacity. It
is doubtful if the Organization has any special locus. The*

person aggrieved is named in the Petition and he has not challenged the impugned order. Prima facie we find that this Petition is not filed with bonafide intention. Stand over to 30th September 2024.”

2. The Petitioner has put forth prayer clause (a) and (b), which read thus:

“(a) This Hon’ble Court be pleased to examine the contentions raised by the Petitioner in the present petition and after verifying the legality thereof, this Hon’ble Court be pleased to issue the writ of certiorari or writ in the nature of certiorarito quash and set aside the order dated 26th September 2023 at Exh. ‘J’ passed by the Respondent No. 2, same being illegal and contrary to mandate of law,”

“(b) This Hon’ble Court be pleased to issue a Writ of mandamus commanding Respondent No. 2 to decide the complaint made by the Petitioner on merits by conducting a thorough inquiry and investigation in the contents by following the principles of natural justice i.e. by hearing both the parties in some time-bound schedule, as this Hon’ble Court deems fit and proper,”

3. The grievance of the Petitioner, as it appears from the pleadings, is that Respondent No.4 is working as a Steno Typist in the General Administration of the Kalyan Dombivali Municipal Corporation and claims to be belonging to the Scheduled Caste Category. The Petitioner desires that her Caste Certificate should be cancelled.

4. It is further pleaded in the Petition that one Ramesh Mangilal Mali was employed on the post of Mukadam, who expired on 20th February, 2021 (the Petitioner submits that the date is wrongly mentioned as 20th February, 2023) under suspicious circumstances. After the death of Ramesh Mangilal Mali, Respondent No.4 claimed employment with Respondent No.3 on compassionate grounds, contending that she was adopted as a daughter by the deceased Ramesh Mangilal Mali.

5. We find it quite conspicuous that besides declaring that the Petitioner is a law abiding citizen and is a General Secretary of the All India Confederation of Scheduled Castes and Tribes Organisations, there is not a single averment in the Petition as to what is his locus in filing this Petition and whether he is in employment with any establishment. So also, the purported Union or Association which the Petitioner claims to be representing as a General Secretary, is neither a party to the proceedings nor are the details set out in the pleadings.

6. The address of the Petitioner is the address of the learned Advocate Shri. Anand Kumar Singh, at Mumbai. The

registration of the Union or a resolution empowering the Petitioner to prefer this Petition, is neither pleaded nor is it placed on record. Moreover, the Petitioner submits, though not pleaded, that he has already filed a criminal complaint addressed to the Deputy Commissioner Police, Kalyan Division (undated), against the mother of Respondent No.4.

7. We posed a specific query to the learned Advocate for the Petitioner as to whether the Petitioner has suffered a personal injury for which a Writ Petition could be filed. The answer was that no such personal injury has been caused to the Petitioner. The following judgments, lay down the law that a Writ Petition would not be maintainable if no legal injury is caused to the Petitioner:-

(a) *Ayaaubkhan Noorkhan Pathan V/s. State of Maharashtra & Others,*¹

(b) *Kusum Ingots & Alloys Ltd. V/s. Union of India & Another,*²

(c) *Jotun India Private Limited V/s. Union of India &*

1 (2013) 4 SCC 465

2 (2004) 6 SCC 254

Others,³

(d) *United Forum and Others V/S. The Union of India & Others*,⁴

(e) *Arun Yashwant Kulkarni V/s. State of Maharashtra & Others*,⁵

8. In the light of the above, we decline to exercise our Writ jurisdiction in such a matter. If there is any personal animosity or antipathy in the mind of the Petitioner as against Respondent No.4, a Writ Petition cannot be utilised for wrecking vengeance out of personal enmity.

9. In view of the above, **this Writ Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

3 2018 SCC OnLine Bom 6400

4 2018 SCC OnLine Bom 2221

5 2021 (4) Mh.L.J.