



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLN.(W) NO. 1011 OF 2025 IN
WRIT PETITION NO. 1822 OF 2025**

Ku.Riya d/o Sunil Borikar and others

-Vs.-

The Scheduled Tribe Certificate Scrutiny Committee, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr. Sahil Dewani, Adv.for the petitioners.
Mr.A.S.Fulzele, APP for the respondents-State.
Mr.V.R.Choudhari, Adv.for the applicant-intervenor.

**CORAM : SMT. M. S. JAWALKAR &
RAJ D. WAKODE, JJ.**

DATE : 30TH SEPTEMBER, 2025

The present application is filed by the applicant-
Adiwasi Halba/Halbi Samaj Karmachari Mahasanghan for
grant of permission to intervene.

2. It appears that the Scrutiny Committee allowed the
applicant to participate in the proceedings and considered
the documents placed by the applicant on record. The
petitioners' caste claim was invalidated by the Scrutiny
Committee considering the documents placed by the
applicant on record and other evidence. In fact, as observed
in Judgment in the case of **Rashmi v. Deputy Commissioner
& Member, District Caste Certificate Scrutiny Committee
and ors. [Writ Petition No.2155 of 2024]**, wherein this
Court observed in paras-21.1 and 21.4 as under:

“21.1. While considering Ayaaubkhan Noorkhan

Pathan (supra) a learned Division Bench of this Court in Shakila Begum Faiyyazuddin (supra) has held that in exceptional circumstances, even if the bona fides of a third person are doubted, but the issues raised by him in the opinion of the Court requires consideration, the Court may proceed suo motu in the said respect.”

“21.4. Even presuming otherwise, the third party, in case it feels that any statutory provision has been violated or there is something amiss in a decision having been rendered, its role would be limited to the same being brought to the notice of the concerned authority, who is empowered to rectify the same, and the matter cannot be converted to an adversarial litigation on that count. We. therefore, hold that respondent Nos.6 and 7, having brought to the notice, the plea as raised by them in their complaints, it was for the CSC then to take over and in case it found a prima facie case of fraud for reasons to be recorded in writing, to proceed ahead. The role of respondent Nos.5 and 7, would thus end at the stage of they having brought their grievance to the CSC and the CSC having taken cognizance thereof.”

3. The learned counsel for the applicant placed reliance on **Raju Ramsing Vasave v. Mahesh Deorao Bhivarpurkar and others, (2008) 9 SCC 54**, wherein in para-46, the Hon’ble Supreme Court by exercising power under Articles 141 and 142 of the Constitution of India which are special power of Hon’ble Apex Court, which is reproduced as under:

“46. We could have dismissed this application on the simple ground that the appellant has no locus standi. We did not do so because as a constitutional court we felt it to be our duty to lay down the law correctly so that similar mistakes are not committed in future. Apart from the

general power of the superior courts vested in it under Article 226 or Article 32 of the Constitution of India, this Court is bestowed the Constitution in terms of Articles 141 and 142 of the Constitution. Decisions are galore wherein this Court unhesitatingly exercised such jurisdiction to resort to the creative interpretation to arrive at a just result in regard to the societal and/or public interest. We thought that it is a case of that nature. We may notice that recently such a legal principle has been considered by this Court in *Indian Bank v. Godhara Nagrik Coop. Credit Society Ltd.* This Court, however, while laying down the law suitably moulded the relief so as to do complete justice between the parties.”

4. Thus, the role of the applicant is over at the stage when they have been brought their grievance to the Caste Scrutiny Committee and the Committee having been taken cognizance thereof. In view thereof, the intervention application cannot be allowed. However, the applicant is permitted to assist the learned AGP for the respondent-Caste Scrutiny Committee. The application stands disposed of accordingly.

WRIT PETITION NO. 1822 OF 2025

List the matter on 14/10/2025.

(RAJ D. WAKODE, J)

(SMT.M.S.JAWALKAR, J)