



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1972 OF 2026

Vishwas S/o Bhagwan Bhosle
Age : 50 years, Occ : Agriculture,
R/o. Nagzari, Tq. Koregaon,
Dist. Satara

...Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary
Social Justice Department,
Mantralaya, Mumbai
2. The Divisional Commissioner Office (Revenue),
Chh. Sambhajinagar Region
Chh. Sambhajinagar
3. The President,
District Caste Certificate Scrutiny Committee,
Dist. Beed
4. The Deputy Commissioner/Member,
District Cast Certificate Scrutiny Committee,
Beed
5. Vaishali Mahadeo Lokare @ Vaishali Dhanaji Yadav
Age : 40 years, Occ : Sarpanch & Household,
R/o. Nagari, Tq. Koregaon, Dist. Satara. ...Respondents

...
Mr. S. G. Mundhe h/f. Mr. S. G. Kawade for the petitioner.
Mr. P. K. Lakhotiya, AGP for Respondent/State.

CORAM

...
: SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.

DATE

...
: 25.02.2026

FINAL ORDER (PER : ABASAHEB D. SHINDE, J.) :

1. Heard the learned Counsel for the petitioner and learned AGP for

Respondent Nos.1 to 4.

2. By this Writ Petition filed under Article 226 of the Constitution of India the petitioner has putforth the following main reliefs :-

“A) The Writ Petition may kindly be allowed;

B) Call recording and proceeding.

C) By issuing Writ of Mandamus or any other appropriate writ, order or direction in like nature, it may kindly be to Caste Scrutiny Committee, Beed to reopen verification certificate of Vaishali Mahadeo Lokare @ Vaishali Dhanaji Yadav as per section 7(1) caste certificate, 2000.

OR

By issuing Writ of Certiorari or any other appropriate Writ, Order or direction in the like nature, impugn order dated 16.04.2025 issued by respondent no.4 may kindly quash and set aside.

D) By issuing Writ of Mandamus or any other appropriate writ, order or direction in like nature, it may kindly be cancel validity certificate dated 26.04.2023 issued by respondent no.4 to Mrs. VaishaliMahadeo Lokare @ Vaishali Dhanaji Yadav on category of schedule caste.”

3. The petitioner claims to be the Upsarpanch of Village Panchayat Nagzari, Taluka Koregaon, District Satara. He contends that the general election of the said Village Panchayat has taken place in the year 2022. It is further case of the petitioner that the petitioner and Respondent No.5 have contested the said election. It is his contention that Respondent No.5 contested the election from the ward reserved from Scheduled Caste (Women) category. The petitioner further contends that the petitioner has raised objection to the nomination of Respondent No.5 at the relevant time, *inter alia*, contending that Respondent No.5 who claims to belong to Scheduled Caste in fact does not belong to the said caste and therefore

her nomination should be rejected. It is further contention of the petitioner that thereafter the election to the post of Sarpanch and Upsarpanch were held in which Respondent No.5 contested the election of Sarpanch as the same was reserved for Scheduled Caste (Women) category. The petitioner contends that he filled in the nomination of Upsarpach. It is further contended that accordingly Respondent No.5 got elected as Sarpanch whereas the petitioner is elected as Upsarpach.

4. It is further case of the petitioner that the petitioner thereafter realized that the caste validity certificate of Respondent No.5 of belonging to 'Chambhar', Scheduled Caste granted by Respondent No.3-Scrutiny Committee on 26.04.2023 has been obtained by playing fraud. The petitioner therefore, made complaint to Respondent No.3-Scrutiny Committee on 24.03.2025 and requested Respondent No.3-Scrutiny Committee to recall the validity certificate dated 26.04.2023 issued in favour of Respondent No.5. Respondent No.3-Scrutiny Committee, however, by communication dated 16.04.2025 informed the petitioner that since Respondent No.3-Committee has no jurisdiction and power to recall its own order, however, intimated the petitioner that in view of Section 7(2) of 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 the validity certificate issued in favour of

Respondent No.5 has attained finality and if at all the petitioner has any grievance about issuance of validity certificate issued in favour of Respondent No.5 the petitioner has a remedy of approaching this Court under Article 226 of the Constitution of India. The petitioner is therefore before this Court by making aforesaid prayers.

5. Learned Counsel for the petitioner submits that Respondent No.5 has obtained the validity certificate dated 26.04.2023 by playing fraud on Respondent No.3-Scrutiny Committee. He would submit that the School record produced by Respondent No.5 while submitting the proposal for verification of her caste claim and more particularly the School Leaving Certificate pertaining to grandfather of Respondent No.5 cannot be believed for the reason that the Headmaster of concerned School has by communication dated 22.02.2025 provided the information to the petitioner stating that the school from which the grandfather of the petitioner claims to have obtained the School Leaving Certificate did not exist at all. He therefore submits that since Respondent No.5 has obtained the validity certificate of belonging to 'Chambhar', Scheduled Caste on the basis of forged and fabricated documents therefore Respondent No.3-Scrutiny Committee be directed to re-open the caste validity certificate of Respondent No.5.

6. Per contra, the learned AGP has taken a strong objection with

regard to the maintainability of the Writ Petition at the behest of the petitioner. He would submit that the Writ Petition itself is not maintainable at the behest of petitioner as the petitioner has not established his right to challenge the caste validity certificate of Respondent No.5. He would further submit that the reliefs claimed by the petitioner are misconceived and are not capable of being granted. He further submits that the petitioner has no *locus standi* to seek reopening of caste validity certificate issued in favour of Respondent No.5. He submits that the caste validity certificate issued on 26.04.2023 is now sought to be recalled after a period of almost 3 years. He submits that this Writ Petition is filed with a *malafide* intention without there being any prejudice caused to the petitioner. He submits that the petitioner cannot be termed as a person aggrieved with the caste validity certificate issued in favour of Respondent No.5. He, therefore, urge that the Writ Petition deserves to be dismissed.

7. After having considered the rival submissions advanced by the learned Counsel for the petitioner as well as learned AGP we find that as per the contention of petitioner himself the general election of the said Village Panchayat was held in the year 2022 and Respondent No.5 got elected as a member from the ward reserved for Scheduled Caste (Women) category. Thereafter, elections to the post of Sarpanch and Upsarpanch were held and Respondent No.5 got elected as a Sarpanch

since the said post was reserved for Scheduled Caste category. The petitioner even got elected as Upsarpanch of the said village. It is pertinent to note that though it is contention of the petitioner that the nomination of Respondent No.5 was tried to be questioned, however, the said challenge has failed. It is thereafter now for the first time on 24.03.2025 the petitioner approached Respondent No.3-Scrutiny Committee seeking recall of the validity certificate issued in favour of Respondent No.5 dated 26.04.2023. Respondent No.3-Scrutiny Committee by communication dated 16.04.2025 has intimated the petitioner that Respondent No.3-Scrutiny Committee does not have power to recall its own order and as the order granting caste validity certificate in favour of Respondent No.5 has attained finality the same can be challenged only before this Court.

8. We find from the pleadings of the petition as well as the submissions advanced by the learned Counsel for the petitioner that the petitioner has not contested the election for the post of Sarpanch and therefore he cannot be said to be a person aggrieved by issuance of validity certificate in favour of Respondent No.5. Even as per his own contention though the nomination of Respondent No.5 was objected at the relevant time, however, the said objection was turned down. As stated above, the election of Sarpanch and Upsarpanch was held in 2022 itself and since then Respondent No.5 is functioning as the Sarpanch of the

Village Panchayat. It is thus clear from the above mentioned facts that the petitioner is not aggrieved in any way so as to challenge the caste validity certificate issued in favour of Respondent No.5. We find that the petitioner has no *locus standi* to file this Writ Petition as the petitioner cannot be termed as a person aggrieved since neither the right nor the interest of the petitioner has been adversely affected or jeopardized in any manner whatsoever. On the contrary, we find that the Writ Petition filed by the petitioner is not bonafide, but has been filed with an ulterior motive. The Hon'ble Apex Court in the case of ***Ayaaubkhan Noorkhan Pathan Vs. The State of Maharashtra and Ors.*** reported in (2013) 2 SCC 465 has dealt with an issue with regard to filing of Writ Petition under Article 226 of the Constitution of India questioning the caste validity certificate issued in favour of the validity holder at the behest of a stranger and the Hon'ble Apex Court has deprecated the practice of the strangers of filing Writ Petition challenging the validity certificate granted in favour of the validity holder. The Hon'ble Apex Court in paragraphs 9, 10, 13 to 15 and 17 has observed thus :-

“9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order, etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory

duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. [Vide State of Orissa v. Madan Gopal Rungta [1951 SCC 1024 : AIR 1952 SC 12] , Saghir Ahmad v. State of U.P. [AIR 1954 SC 728] , Calcutta Gas Co. (Proprietary) Ltd. v. State of W.B. [AIR 1962 SC 1044] , Rajendra Singh v. State of M.P. [(1996) 5 SCC 460 : AIR 1996 SC 2736] and Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar [(2009) 2 SCC 784].]

13. This Court, even as regards the filing of a habeas corpus petition, has explained that the expression "next friend" means a person who is not a total stranger. Such a petition cannot be filed by one who is a complete stranger to the person who is in alleged illegal custody. [Vide Charanjit Lal Chowdhury v. Union of India, Sunil Batra (2) v. Delhi Admn. 14, Nilima Priyadarshini v. State of Bihar, Simranjit Singh Mann v. Union of India, Karamjeet Singh v. Union of India and Kishore Samrite v. State of U.P.]

*14. This Court has consistently cautioned the courts against entertaining public interest litigation filed by unscrupulous persons, as such meddlers do not hesitate to abuse the process of court. The right of effective access to justice, which has emerged with the new social rights regime, must be used to serve basic human rights, which purport to guarantee legal rights and, therefore, a workable remedy within the framework of the judicial system must be provided. Whenever any public interest is invoked, the court must examine the case to ensure that there is in fact, genuine public interest involved. The court must maintain strict vigilance to ensure that there is no abuse of the process of court and that, "ordinarily meddlesome bystanders are not granted a visa". Many societal pollutants create new problems of non-redressed grievances, and the court should make an earnest endeavour to take up those cases, where the subjective purpose of the *lis* justifies the need for it. (Vide P.S.R. Sadhanantham v. Arunachalam, Dalip Singh v State of U.P.20, State of Uttaranchal v. Balwant Singh Chaufal and Amar Singh v. Union of India)*

15. Even as regards the filing of a public interest litigation, this Court has consistently held that such a course of action is not permissible so far as service matters are concerned. (Vide Duryodhan Sahu v. Jitendra Kumar Mishra [(1998) 7 SCC 273 : 1998 SCC (L&S) 1802 : AIR 1999 SC 114], Dattaraj Nathuji Thaware v. State of Maharashtra [(2005) 1 SCC 590 : AIR 2005 SC 540] and Neetu v. State of Punjab [(2007) 10 SCC 614 : AIR 2007

SC 758].

17. In view of the above, the law on the said point can be summarised to the effect that a person who raises a grievance, must show how he has suffered legal injury. Generally, a stranger having no right whatsoever to any post or property, cannot be permitted to intervene in the affairs of others.”

9. We find that neither the petitioner belongs to the Scheduled Caste nor it is the case of the petitioner that he contested elections of Sarpanch and got defeated which has caused prejudice to him. Similarly the petitioner is not in a position to point out as to what legal right of the petitioner has been violated. In the light of judgment of the Hon’ble Apex Court in the case of ***Ayaaubkhan Noorkhan Pathan (Supra)***, we find that the Writ Petition filed by the petitioner is nothing but an abuse of process of law and therefore, we are inclined to mulct the petitioner with a cost for abusing the process of law.

10. Therefore, the Writ Petition is devoid of any substance and the same is liable to be dismissed at the threshold. We therefore pass the following order :-

:: O R D E R ::

i. The Writ Petition stands dismissed with cost of Rs.50,000/- to be deposited with “Deepstambh Foundation” within a period of four weeks from today, details of which are as under :-

Name : Deepstambh Foundation
Bank Name : ICICI Bank

A/c. No. : 037501008110 (Savings)
IFSC Code : ICIC0000375
Contact No. : 8459558844 (Mr. Anup Chaudhari)

ii. Writ Petition stands disposed of accordingly.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE , J.)