



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

**PUBLIC INTEREST LITIGATION NO.39 OF 2026**

[Parimal Madhukarrao Kamble S/o Madhukarrao Kamble .vs. State of  
Maharashtra and Others]

*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.*

*Court's or Judge's order*

Shri. S. U. Kothekar, Advocate for Petitioner.  
Shri. D. V. Chauhan, Government Pleader i/b Shri. N. S. Rao, Asst. G. P. for  
Respondents/State.  
Shri. A. M. Kukday, Advocate for Respondent No.5.  
Ms. Neerja Choube, Advocate for Respondent No.6.

**CORAM : ANIL S. KILOR AND  
RAJ D. WAKODE, JJ.**

**DATE : 8<sup>th</sup> JUNE, 2026.**

. Heard Shri. S. U. Kothekar, learned counsel for petitioner,  
Shri. D. V. Chauhan, learned Government Pleader instructed by  
Shri. N. S. Rao, learned Asst. Government Pleader for  
respondents/State, Shri. A. M. Kukday, learned counsel for  
respondent No.5 and Ms. Neerja Choube, learned counsel for  
respondent No.6.

2. The petitioner, who claims to be a public spirited  
social/political worker and who alleges to have been actively  
engaged in issues concerning the protection of the constitutional  
scheme of reservation for scheduled castes and the integrity of the  
electoral process in Maharashtra, has approached this Court by the  
present Public Interest Litigation with following reliefs :

*"a) Hold and declare that under Article 341 and Paragraph  
3 of the Constitution (Scheduled Castes) Order, 1950, as  
interpreted in Chinthada Anand v. State of Andhra Pradesh,  
persons who have come to "profess" Islam or Christianity  
cannot be treated as Scheduled Castes for purposes of  
reservation in elective offices in Maharashtra,  
notwithstanding their birth-caste and earlier SC certificates;*

*b) A direction to the State of Maharashtra to frame, within a  
time-bound period, appropriate rules/notifications under  
the 2000 Caste Certificate Act and relevant*

*municipal/panchayat election laws or any other relevant laws to: (a) mandate compulsory registration of nikah and inter-religious marriages, with explicit recorded declaration by each party of the religion they profess; (b) link such records; and (c) ensure automatic electronic intimation to concerned Caste Scrutiny Committees and Election Authorities whenever a person with an SC certificate is recorded as professing Islam/Christianity or bearing an evidently Muslim/Christian name.”*

3. A perusal of the present Public Interest Litigation reveals that though, the petition is styled as P.I.L., the grievance of the petitioner which forms the foundation of the petition is against respondent No.7. The petitioner in para 3(F) had raised a specific allegation against respondent No.7 who had contested the elections of Akola Municipal Corporation from a seat reserved for Scheduled Caste category. The petitioner has made allegations against respondent No.7 and thus, has called upon this Court to adjudicate upon the validity of her individual election by pronouncing her personal religious status. As per the petitioner, respondent No.7 presents herself as Muslim for marital and social purpose and as Hindu SC for the purpose of reservation in contesting election and accordingly, she is not entitled for such reservation. The entire cause projected in the petition substantially revolves around such individual grievance against respondent No.7 and the consequential challenge to the eligibility of similarly situated persons solely for making this petition as maintainable in the category of Public Interest Litigation.

4. In our considered opinion, the present petition is more of a personal interest litigation than public interest litigation. If the petitioner has any individual grievance against the election of respondent No.7, he is at liberty to avail such statutory remedy as may be available in law before the competent authority and not by invoking the public interest litigation jurisdiction of this Court. Such an attempt on the part of the petitioner is an abuse of process of law.

5. The petitioner, in the memo of Public Interest Litigation, has raised general allegation that certain persons, who are allegedly professing Islam or Christianity, continue to avail benefits attached to the Scheduled Caste status. In order to substantiate his contention, the petitioner has relied upon the documents pertaining to respondent No.7, her marital status, name appearing in different records and other personal circumstances.

6. It can be safely presumed that if we issue notice to respondent No.7 in the present Public Interest Litigation, she will dispute the aforesaid allegation raising challenge to her election and thus, this Court will be required to determine such issues after adjudication of the disputed questions of fact. This very exercise is sufficient to bar the exercise jurisdiction of this Court in Public Interest Litigation. The enquiry as to whether any individual has undergone religious conversion, whether such conversion is legally recognized and whether such person continues to profess a particular religion and legal consequences flowing there from are matters requiring evidence and enquiry by competent statutory authorities. This Court cannot adjudicate such issues involving disputed questions of fact in Public Interest Litigation proceedings.

7. The grievance of petitioner against respondent No.7 is regarding the validity of her candidature and eligibility for contesting election from reserved constituency. It is worth to mention here that such disputes are governed by special statutory mechanisms and there is already a statute providing for a complete mechanism for verifying the caste status of such candidates in the form 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 (hereinafter referred to as, "the aforesaid Act of 2000", for the sake of brevity).

8. In our considered opinion, the extraordinary jurisdiction of this Court cannot be converted into a forum for conducting a generalized enquiry into electoral eligibility of the candidates who have contested elections from reserved category, and on this ground also, the present Public Interest Litigation deserves to be dismissed on merits.

9. As observed above, the first part of the present Public Interest Litigation reveals the private interest of the present petitioner. The second part of the present Public Interest Litigation, which prays a direction to the State of Maharashtra to formulate, within a time bound period, an appropriate rules/notification under the aforesaid Act of 2000 and relevant municipal/panchayat election laws reveals the another intention of the present petitioner i.e. publicity interest litigation.

10. The Hon'ble Supreme Court of India has, time and again, warned that in writ jurisdiction, neither the High Courts nor the Supreme Court itself can direct the Legislature to enact the law and that too in a particular manner.

11. In Supreme Court Employees' Welfare vs. Union of India, reported in (1989) 4 SCC 187, the Hon'ble Supreme Court has considered the powers of the Courts to issue a writ of Mandamus to direct a Legislature to enact a particular law. Whilst construing the constitutional scheme and powers vested in Courts to issue a writ of Mandamus, it has been held as under:-

*“What the appellant really wants is a mandate from the court to the competent authority to delete the concerned entry from Schedule A and include the same in Schedule B. We shall not go into the question whether the Government of Himachal Pradesh on its own authority was competent to make the alteration in question or not. We shall assume for our present purpose that it had such a power. The power to impose a tax is undoubtedly a legislative power. That power can be exercised by the legislature directly or subject to certain conditions, the legislature may delegate that power to some other authority. But the exercise of that power,*

*whether by the legislature or by its delegate is an exercise of a legislative power. The fact that the power was delegated to the executive does not convert that power into an executive or administrative power. No court can issue a mandate to a legislature to enact a particular law. Similarly no court can direct a subordinate legislative body to enact or not to enact a law which it may be competent to enact.*

*There can be no doubt that no court can direct a legislature to enact a particular law. Similarly, when an executive authority exercises a legislative power by way of subordinate legislation pursuant to the delegated authority of a legislature, such executive authority cannot be asked to enact a law which he has been empowered to do under the delegated legislative authority.”*

12. Applying the ratio laid down by the Hon'ble Supreme Court in Supreme Court Employees Welfare (supra), this Court would not exercise its jurisdiction under Article 226 of the Constitution of India, to issue a writ of Mandamus to the respondents and much less to the legislature, directing the legislation in the nature sought by the petitioner in the reliefs claimed in the Public Interest Litigation. On this ground also, the present Public Interest Litigation fails and deserves to be dismissed.

13. The material placed on record also indicates that the petitioner substantially relies upon documents pertaining to Akola Municipal Corporation and newspaper reports. Mere reliance on an individual instance or media reports cannot furnish sufficient foundation for issuance of sweeping directions affecting the entire State machinery.

14. The pleadings further disclose that the petitioner seeks a State-wide inquiry into persons elected from reserved constituencies who allegedly bear Muslim or Christian names or who are married to persons professing another religion. Such prayers, if entertained, would require a roving and fishing inquiry into the personal status of innumerable individuals and would travel far beyond the permissible limits of public interest jurisdiction.

15. For the reasons stated above, we are of the considered opinion that this Court should not invoke its extraordinary jurisdiction for entertaining such private/publicity interest litigation rather than a genuine Public Interest Litigation and accordingly, we **dismiss** the present Public Interest Litigation.

16. At this stage, Shri. Kothekar, learned counsel for petitioner, invites our attention to the representation dated 19.04.2026 submitted by the petitioner to respondent No.5 - State Election Commission and respondent No.6 - Election Commission of India. Shri. Kothekar, learned counsel, submits that the aforesaid representation is not yet decided by the aforesaid authorities.

17. In view of the above, we direct the respondent Nos.5 and 6 to decide the aforesaid representation in accordance with law and on its own merits, within the stipulated period of eight weeks from the date of production of the order of this Court.

18. The decision taken thereupon shall be communicated to the petitioner within a period of two weeks from the date of such decision.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)