



2026:AHC:73167-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 12679 of 2022**

Afjaal Ahmad and another

.....Petitioner(s)

Versus

State of U.P. and 4 others

.....Respondent(s)

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Counsel for Petitioner(s) : Navin Kumar Sharma, Nikhil Kumar, Quazi Mohammad Akaram, Shivam Yadav, Shoar Mohammad Khan, Sr. Advocate  
Counsel for Respondent(s) : C.S.C., Kamal Krishna Roy, Ray Sahab Yadav, Tausif Asgar Kaifi

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**AFR**

Reserved on 23.02.2026  
Delivered on 06.04.2026

**Court No. - 4**

**HON'BLE NEERAJ TIWARI, J.  
HON'BLE GARIMA PRASHAD, J.**

(Per : Garima Prashad, J.)

1. Heard Sri V.K. Singh, learned Senior Advocate assisted by Sri Navin Kumar Sharma, learned counsel for the petitioners, Sri Anand Bhaskar Srivastava, learned Standing Counsel for the State and Sri Aushim Luthra with Ms. Utkarshni Singh, learned counsel for the respondent No.5.

2. The present writ petition has been filed seeking the following reliefs:

*i) Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 27.11.2020 (Annexure No.10 to this writ petition) passed by Respondent No.2 (State Level Caste Scrutiny Committee, Lucknow).*

*ii) Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 18.12.2016 and 18.07.2017 (Annexure No.8 and 9 to this writ petition) passed by respondent No.3 (Regional Level Caste Scrutiny Committee, Prayagraj).*

*iii) Issue a writ order or direction in the nature of certiorari to quash the proceedings pending before Regional Level Caste Scrutiny Committee, Prayagraj as well as District Level Caste Scrutiny Committee, Prayagraj in respect of the caste verification of the petitioners.*

3. Learned Senior Advocate appearing for the petitioners submits that both the petitioners belong to the Other Backward Class category, namely *Bhishti Abbasi*, which has been notified as an OBC caste by Gazette notification dated 06.08.1997. A caste certificate to that effect was also issued by the competent authority in favour of petitioner no.2.

4. It is submitted that the dispute arose from a complaint dated 14.12.2011 filed by one Late Nazmuddin before the State Government alleging that the caste certificates of the petitioners were not genuine. Acting upon the said complaint, the State Government by order dated 10.02.2012 directed the District Level Caste Scrutiny Committee, Prayagraj to conduct an enquiry regarding the validity of the caste certificates and submit its report.

5. Pursuant to the said direction, the District Level Committee conducted an enquiry and by order dated 03.04.2014 found the complaint to be baseless and upheld the validity of the caste certificates of the petitioners. It is further submitted that apart from the said enquiry, a departmental enquiry was also conducted regarding the caste certificate of petitioner no.2 which culminated in an order dated 16.05.2012 declaring the certificate to be valid.

6. During the pendency of the proceedings, the original complainant Late Nazmuddin died on 17.03.2013. Thereafter, his son Zafaruddin (respondent no.5) filed an appeal before the Regional Level Caste Scrutiny Committee. The Regional Level

Committee by order dated 27.05.2015 recorded that the order dated 03.04.2014 passed by the District Level Committee was correct and required no interference, however it directed the District Level Committee to examine certain additional documents produced by respondent no.5. In compliance thereof, the District Level Committee again examined the matter and by order dated 20.01.2016 reiterated its earlier findings and refused to interfere with its order dated 03.04.2014.

7. It is further submitted that the State Government itself by order dated 28.04.2015 dismissed the complaint dated 14.12.2011 as false and baseless. The said decision was communicated to the District Magistrate, Prayagraj by letter dated 30.06.2015 and by order dated 04.08.2015 directions were issued to terminate the caste dispute proceedings against the petitioners.

8. Despite the aforesaid orders, respondent no.5 again preferred an appeal before the Regional Level Committee against the order dated 20.01.2016. The Regional Level Committee by order dated 18.12.2016 allowed the appeal without considering the earlier government orders closing the proceedings. The petitioners thereafter filed a review application which was partly allowed by order dated 18.07.2017, however the Regional Level Committee again directed the District Level Committee to re-examine the matter. Thereafter, respondent no.5 approached the State Level Caste Scrutiny Committee which by order dated 27.11.2020 directed the Regional Level Committee to reconsider the matter.

9. Learned Senior Advocate submits that the issue regarding the caste status of the petitioners has already been examined repeatedly by the competent authorities. The District Level Committee twice upheld the caste certificates of the petitioners, the Regional Level Committee initially affirmed the same, and the State Government

itself by orders dated 28.04.2015 and 04.08.2015 closed the proceedings.

10. It is further submitted that in response to an application under the Right to Information Act, the State Government by communication dated 27.09.2018 clarified that no order had been passed permitting substitution of the complainant after the death of Late Nazmuddin nor was any authority directed to conduct repeated enquiries. Reliance is also placed on a further communication dated 12.09.2022 issued by the Deputy Secretary, State of U.P., wherein it has been stated that the complaints against the petitioners regarding their caste certificates were found baseless and the matter had already been concluded and consigned to record. It is therefore submitted that the continued proceedings initiated at the instance of respondent no.5, who has no locus in the matter, amount to harassment of the petitioners and the impugned orders are liable to be quashed.

11. Per contra, learned counsel appearing for respondent no.5 submits that the petitioners have obtained an interim order dated 31.08.2022 by suppressing material facts. It is submitted that the petitioners concealed that an appeal had already been filed against the order dated 18.07.2017 and therefore approached this Court without clean hands. It is contended that a person who seeks equitable relief under Article 226 must disclose all material facts and suppression thereof is sufficient ground for dismissal of the writ petition.

12. It is further submitted that the petitioners have fraudulently obtained caste certificates showing themselves as belonging to the *Bhishti Abbasi* OBC category despite actually belonging to the general category. By using the said certificate, the petitioners

allegedly secured a government post meant for members of the backward class.

13. Learned counsel for the respondent no.5 further submits that documentary evidence including educational records of the petitioners and the caste status of their biological relatives indicate that the family has never belonged to the *Bhishti Abbasi* community.

14. It is further contended that the objection regarding locus standi raised by the petitioners is misconceived. Reliance is placed upon the decision in *Shakila Begum Faiyazuddin v. State of Maharashtra* (2003) 8 SCC 49 and *Raju Ramsing Vasave v. Mahesh Deorao Bhivapurkar*, (2008) 9 SCC 54, wherein it has been observed that the validity of an appointment obtained on the basis of a caste certificate is a matter of public importance and the Court can examine such issues even if raised by a third party in order to prevent fraud on the Constitution.

15. Learned Standing Counsel appearing for the State submits that pursuant to the complaint dated 14.12.2011 the State Government by order dated 10.02.2012 directed the District Magistrate, Prayagraj to conduct an enquiry through the District Level Caste Scrutiny Committee regarding the validity of the caste certificate of the petitioners. In compliance thereof, the District Level Committee conducted the enquiry and submitted its report dated 03.04.2014 to the State Government.

16. The State Government thereafter by order dated 28.04.2015 dismissed the complaint dated 14.12.2011 as baseless and consigned the matter to record. The said decision was communicated to the District Magistrate, Prayagraj by order dated

04.08.2015 directing termination of the caste dispute proceedings against the petitioners.

17. It is further submitted that the State Government by order dated 12.09.2022 again communicated to the Commissioner, State Tax and the District Magistrate, Prayagraj that the matter had already been concluded and no justification exists for conducting a fresh enquiry.

18. After hearing learned counsels for the parties and perusing the material on record, this Court finds that the controversy in the present writ petition revolves around the legality of repeated reopening of caste verification proceedings initiated against the petitioners despite the issue having been examined on multiple occasions by the competent authorities and the State Government itself having recorded findings that the complaint was baseless.

19. From the record it emerges that the entire proceedings originated from a complaint dated 14.12.2011 submitted by one Late Nazmuddin before the State Government alleging that the caste certificates of the petitioners were not genuine. Acting upon the said complaint, the State Government by order dated 10.02.2012 directed the District Level Caste Scrutiny Committee, Prayagraj to conduct an enquiry regarding the validity of the caste certificates of the petitioners and to submit its report to the Government.

20. Pursuant to the said direction, a detailed enquiry was conducted by the District Level Committee and an order dated 03.04.2014 was passed wherein the complaint was found to be baseless and the caste certificates of the petitioners were found to be valid. The record further indicates that apart from the enquiry conducted by the District Level Committee, a departmental enquiry was also conducted in respect of the caste certificate of petitioner

no.2 and the same too culminated in an order dated 16.05.2012 declaring the caste certificate to be valid.

21. It is also not in dispute that during the pendency of the proceedings, the original complainant Late Nazmuddin died on 17.03.2013. Thereafter, his son Zafaruddin, who is respondent no.5 in the present writ petition, sought to continue the proceedings by filing an appeal before the Regional Level Caste Scrutiny Committee. The Regional Level Committee by order dated 27.05.2015 recorded that the order dated 03.04.2014 passed by the District Level Committee was correct and did not warrant interference. However, while recording the said finding, it remanded the matter to the District Level Committee directing it to examine certain additional documents that had been produced at the appellate stage by respondent no.5.

22. In compliance with the said direction, the District Level Committee again examined the matter and by order dated 20.01.2016 reiterated its earlier finding and refused to interfere with its order dated 03.04.2014. The State Government itself thereafter passed an order dated 28.04.2015 dismissing the complaint of Late Nazmuddin as false and baseless. The said decision was communicated to the concerned authorities and further directions were issued on 04.08.2015 to terminate the caste dispute proceedings against the petitioners. A communication dated 30.06.2015 issued by the Commissioner, Commercial Tax, U.P., Lucknow also recorded that the State Government had already closed the proceedings relating to the caste certificates of the petitioners.

23. Despite the aforesaid orders and the repeated findings recorded in favour of the petitioners, respondent no.5 again preferred an appeal before the Regional Level Committee against

the order dated 20.01.2016. The Regional Level Committee by order dated 18.12.2016 allowed the appeal and reopened the issue. Subsequently, upon a review application filed by the petitioners, the Regional Level Committee by order dated 18.07.2017 modified its earlier order but again directed the District Level Committee to examine the matter afresh. Thereafter, respondent no.5 approached the State Level Caste Scrutiny Committee which by order dated 27.11.2020 directed the Regional Level Committee to reconsider the matter.

24. The consequence of the aforesaid orders is that despite the issue having been examined repeatedly by the competent authorities and even after the State Government itself had recorded a categorical finding that the complaint was baseless and the proceedings stood closed, the matter continued to be remanded from one authority to another resulting in the same issue being reopened again and again.

25. This Court finds substance in the submission advanced on behalf of the petitioners that such repeated reopening of the proceedings cannot be permitted once the competent authorities as well as the State Government itself have examined the matter and closed the complaint. Administrative and quasi-judicial proceedings cannot be permitted to continue indefinitely as that would defeat the principle of finality and would result in unnecessary harassment of the parties.

26. The law relating to verification of caste status stands authoritatively laid down by the Hon'ble Supreme Court in **Kumari Madhuri Patil v. Addl. Commissioner, Tribal Development, (1994) 6 SCC 241**, wherein a detailed mechanism was prescribed for scrutiny of caste certificates through Scrutiny Committees. The said position has been subsequently explained and reaffirmed in

**Dayaram v. Sudhir Batham, (2012) 1 SCC 333**, wherein it has been emphasized that the determination of caste status must be undertaken by the competent scrutiny authorities and cannot be left open to indefinite reconsideration.

27. A necessary corollary of the above principle is that once the issue of caste verification has been duly examined by the competent authorities in accordance with law, and findings have been recorded, such proceedings must attain finality. Repeated reopening of the same issue, particularly on the same set of allegations, would defeat the very purpose of constituting scrutiny committees and would lead to uncertainty and harassment.

28. In this regard, it is well settled that repeated enquiries into the validity of a caste certificate are impermissible, except in exceptional circumstances where the earlier determination is shown to be vitiated by fraud or was rendered without jurisdiction or without proper enquiry.

29. There can be no dispute with the proposition that a false caste claim amounts to a fraud on the Constitution, as held in ***Chairman & Managing Director, FCI v. Jagdish Balaram Bahira, (2017) 8 SCC 670***. However, the said principle cannot be invoked in a mechanical manner. Mere allegations of fraud, without any fresh or cogent material, cannot justify repeated reopening of proceedings which have already been concluded by the competent authorities and accepted by the State Government.

30. In the present case, there is no such finding of fraud recorded by any competent authority despite multiple enquiries. The record clearly demonstrates that the issue was examined by the District Level Committee, then reaffirmed upon reconsideration, further considered by the Regional Level Committee, and thereafter the

State Government itself, upon due consideration, declared the complaint to be baseless and directed closure of proceedings.

31. Further, the State Government has clarified that it had neither authorised the substitution of any person after the death of the original complainant nor directed the authorities to conduct repeated enquiries. Moreover, the Government Order dated 12.09.2022 categorically records that the matter has already been examined and closed, and that no further enquiry is required.

32. Once the State Government itself has accepted the findings and consigned the matter to record, and the issue has already been examined repeatedly by the competent scrutiny authorities, it could not have been reopened or remanded in the absence of any fresh material or jurisdictional infirmity in the earlier proceedings. The impugned action, therefore, cannot be sustained in law as it permits repeated re-agitation of a concluded issue.

33. Such action is clearly contrary to the settled principles of finality, certainty and fairness in administrative and quasi-judicial decision-making. Permitting such repeated reopening would render the entire statutory scrutiny mechanism otiose and expose individuals to perpetual uncertainty.

34. As regards the objection relating to locus standi of respondent no.5, it is undisputed that the original complaint was filed by Late Nazmuddin who admittedly died on 17.03.2013. After his death, the proceedings were sought to be pursued by his son, respondent no.5. The material on record indicates that respondent no.5 is a resident of the same village, but he has not demonstrated any direct legal injury arising out of the caste certificates of the petitioners.

35. It is well settled that service matters cannot ordinarily be agitated at the instance of a third party, as held by the Hon'ble

Supreme Court in *Dr. Duryodhan Sahu v. Jitendra Kumar Mishra, (1998) 7 SCC 273*, and *Hari Bansh Lal v. Sahodar Prasad Mahto, (2010) 9 SCC 655*, wherein it has been categorically held that strangers have no locus standi to challenge appointments or service benefits and such disputes are essentially between the employer and the employee. The present dispute, being essentially in the realm of service benefits arising out of caste certification, falls squarely within the aforesaid principle.

36. It is contended by the respondent no.5 that issues relating to false caste claims may be raised even by a third party in view of their public importance, as observed by the Hon'ble Supreme Court in *Shakila Begum (supra)* and *Raju Ramsing (supra)* wherein it has been held that although ordinarily a third party may lack standing, the Court can intervene in exceptional cases where fraud is apparent. The proposition is not in dispute. However, both the aforesaid decisions operate in a limited field. In *Shakila Begum (supra)*, the Hon'ble Supreme Court intervened in peculiar facts where there was prima facie material indicating fraud and misuse of reservation benefits, thereby justifying departure from the general rule of locus standi. Similarly, in *Raju Ramsing (supra)*, it was held that issues of caste fraud affecting public employment or electoral rights may be examined in view of their public importance.

37. However, neither of the aforesaid decisions lays down that a private individual can perpetually re-agitate a matter which has already been examined and concluded by the competent statutory authorities. Both judgments proceed on the existence of prima facie material indicating fraud or illegality warranting judicial scrutiny. In the present case, no such circumstance exists. On the contrary, the issue has been examined repeatedly by the competent scrutiny committees as well as by the State Government, and all authorities

have consistently recorded findings in favour of the petitioners. In absence of any fresh material or demonstrated fraud, the reliance placed upon the aforesaid decisions is misconceived and does not justify repeated reopening of concluded proceedings.

38. Even assuming that respondent no.5 could initially bring the issue to notice, he cannot be permitted to sustain successive rounds of proceedings in the absence of any fresh material or legal justification. In the present case, respondent no.5 is only a co-villager and has not demonstrated any direct legal injury and, therefore, does not fall within the category of an aggrieved person in service jurisprudence. More importantly, the State Government itself has categorically clarified that no substitution of the complainant was permitted and no further enquiry was warranted. In such circumstances, the continuation of proceedings at his instance is wholly unjustified.

39. In these circumstances, the Court is of the view that the impugned orders dated 18.12.2016 and 18.07.2017 passed by the Regional Level Caste Scrutiny Committee and the order dated 27.11.2020 passed by the State Level Caste Scrutiny Committee cannot be sustained in law, as they result reopening an issue which has already attained finality. The impugned orders, therefore, suffer from arbitrariness and are unsustainable in law.

40. Accordingly, the impugned order dated 27.11.2020 passed by the State Level Caste Scrutiny Committee, Lucknow as well as the orders dated 18.12.2016 and 18.07.2017 passed by the Regional Level Caste Scrutiny Committee, Prayagraj are hereby quashed.

41. Consequently, the proceedings pending before the Regional Level Caste Scrutiny Committee, Prayagraj and the District Level Caste Scrutiny Committee, Prayagraj in respect of the caste

verification of the petitioners shall stand closed. The findings recorded by the District Level Committee in its orders dated 03.04.2014 and 20.01.2016 declaring the caste certificates of the petitioners to be valid shall remain operative.

42. The writ petition is, accordingly, allowed.

43. No order as to costs.

(Garima Prashad, J.) (Neeraj Tiwari, J.)

April 6, 2026  
Kuldeep