2026:AHC-LKO:82357-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

PUBLIC INTEREST LITIGATION (PIL) No. - 1095 of 2026

Mahendra Pratap Singh

.....Petitioner(s)

Versus

Union of India through its Ministry of Law through. its Secretary New Delhi

.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	S.B.Pandey (Sr. Adv. & DSGI) assisted by Varun Pandey

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Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.

1. The petitioner, who appears in person and is a practicing advocate of this court, has filed the instant petition in public interest seeking the following relief:

> "Issue a writ, order or direction in nature of prohibition against the Union of Government and all states to not operate Provisions of Article 15 Sub-Clause-4 and 330, 334 and Article 16 (4A)(4B) of the Constitution of India declaring to its against preamble of the Constitution of India and ultravires, which is against the preamble of Equality of the Constitution of India."

2. The submission of the petitioner-in-person as culled out from the pleadings, is that the 1st Amendment added to the Constitution, whereby Article 15 sub-clause (4) was inserted, the same be declared as against the Preamble of the Constitution of India and ultra vires, against the Preamble of equality of the Constitution of India.

3. It has further been urged that the nomenclature of the Scheduled Castes is against the spirit of Preamble of equality. It is also urged that the word 'Scheduled Caste' is defamatory and against the spirit of Article 17 of the Constitution of India.

4. It has also been urged that the provisions for reservation, which was introduced for a limited period, has been extended over years and thus the enabling provision, i.e. Article 15 sub-clause (4), Article 330, 334, and

Article 16 (4A) and (4B) of the Constitution of India be declared as ultra vires.

5. Having considered the aforesaid submission and from perusal of the pleadings, this court finds that the petition suffers from various defects and is liable to be dismissed for multifarious reasons.

6. At the outset, it may be noticed that the prayer which has been made by the petitioner is seeking a writ in the nature of prohibition against the Union Government and all States to not operate provisions of Article 15, 330, 334, and Article 16 of the Constitution of India, as shall be evident from the prayer quoted hereinabove.

7. It is an unpleasant situation to witness the petitioner, who is a practicing Advocate having more than three decades of practice and he has filed the instant PIL in his personal capacity, yet without looking into fundamental, seeks a writ in the nature of prohibition against the Union Government and all States. Needless to say that a writ of prohibition is not maintainable against a Union Government or a State. It can only be filed against a judicial or a quasi-judicial authority.

8. It is also relevant to note that Article 15 sub-clause (4) of the Constitution of India, which was introduced by the 1st Amendment, cannot be challenged as it is protected as a basic feature doctrine as enunciated by the Apex Court in the celebrated case of His Holiness Kesavananda Bharati Sripadagalvaru & Ors. v. State of Kerala & Anr. : (1973) 4 SCC 225**. [See: Waman Rao and others v. Union of India (1980) 3 SCC 587** and **I.R. Coelho v. State of T.N. (2007) 2 SCC 1]**

9. Article 330 is the original article which was incorporated by the Constituent Assembly, and for this very reason, the same is also immune from challenge.

10. Moreover, the petitioner in person has only impleaded the Union of India through the Ministry of Law, through its Secretary; however, reliefs have been claimed against all the States of the Union who have not been impleaded as a party.

11. Submissions were also made regarding the issue of reservations

which have been incorporated for Scheduled Castes and Tribes, and an attempt was made to indicate that the use of the word 'Scheduled Caste' is defamatory and against the spirit of Article 17 of the Constitution of India.

12. In this regard, it may be noted that the petitioner has made vague pleadings. There is no material to substantiate any submission. It has also not been indicated as to whether the petitioner has raised or conveyed his views to the Authority of the Government in this regard.

13. Another issue that needs to be seen is that the basic feature of equality of status and opportunity, and to promote the same amongst all, includes the underprivileged section persons of Scheduled Castes and Tribes. This was incorporated in order to create an environment so that the persons who were not in the mainstream can be given the benefit in order to bring them at par with the other citizens of the country. These are lofty and fine principles which have to be understood in the constitutional scheme and not to be treated as a paradox for raising frivolous challenge to the said provisions.

14. The fact apart, from the pleadings the petitioner has not shown his credentials except the fact that he is a practising Advocate. It will be interesting to note that in paragraph 18 it has been indicated as under:-

> "That it is declared that the above pleading and prayer, is being made first time in the entire country of India, the such petition is neither filed in any High Court of the country including this Hon'ble High Court Allahabad and this Bench, nor pending at any High Court of the Hon'ble High Court too. As per believe no such writ or appeal has been filed before Hon'ble Supreme Court of India nor pending."

15. The aforesaid pleading and the manner in which this PIL has been filed reminds this court of the observations made by the Apex Court in the case of **State of Uttranchal v. Balwant Singh Chaufal, (2010) 3 SCC 402** and the relevant portion thereof reads as under:-

> "143. Unfortunately, of late, it has been noticed that such an important jurisdiction which has been carefully carved out, created and nurtured with great care and caution by the courts, is being blatantly abused by filing some petitions with oblique motives. We think time has come when genuine and bona fide public interest litigation must be encouraged

whereas frivolous public interest litigation should be discouraged. In our considered opinion, we have to protect and preserve this important jurisdiction in the larger interest of the people of this country but we must take effective steps to prevent and cure its abuse on the basis of monetary and non-monetary directions by the courts.

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155. In Dattaraj Nathuji Thaware [(2005) 1 SCC 590] this Court expressed its anguish on misuse of the forum of the Court under the garb of public interest litigation and observed (SCC p. 595, para 12) that the

"public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest, an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens.... The court must not allow its process to be abused for oblique considerations...."

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157. In Holicow Pictures (P) Ltd. v. Prem Chandra Mishra [(2007) 14 SCC 281 : AIR 2008 SC 913] this Court observed as under [Ed. : As observed in Kushum Lata v. Union of India, (2006) 6 SCC 180, p. 184, para 12.] : (SCC pp. 287d-288a, para 10)

"10. '12. It is depressing to note that on account of such trumpery proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death facing gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters -- government or private, persons awaiting the disposal of cases wherein huge amounts of public revenue or unauthorised collection of tax amounts are locked up, detenu expecting their release from the detention orders, etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for glare of publicity, break the queue muffing their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the courts never moves, which piquant situation creates frustration in the

minds of the genuine litigants and resultantly they lose faith in the administration of our judicial system.'

158. The Court cautioned by observing that [Ed. : As observed in Kushum Lata v. Union of India, (2006) 6 SCC 180, pp. 184-85, paras 13 & 15.] : (Holicow case [(2007) 14 SCC 281 : AIR 2008 SC 913] , SCC pp. 288-89, para 10)

"10. '...13. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta.

* * *

15. The court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. The court has to strike a balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The court has to act ruthlessly while dealing with imposters and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.' "

* * *

181. We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

(1) The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

(2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High

> Court is sent to the Secretary General of this Court immediately thereafter.
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> (3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.
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> (4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.
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> (5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.
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> (6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.
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> (7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.
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> (8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations."

16. From the perusal of the aforesaid observations of the Apex Court, it gives a clear indication that the petition has been filed, in a hugely casual manner and it appears to be merely an attempt to grab some unwarranted publicity.

17. It may be that a layman may raise certain issues, which are beyond his depth, but in the instant case, the petition has been filed in person by a practising Advocate with sufficient length of practice and it does not examine and note the principles and the ethos behind the constitutional provisions of which the petitioner seeks declaration to be declared as ultra vires.

18. The manner in which the parties have been impleaded is also not in accordance with the broader principles as laid down in Order 27 and 27-A C.P.C.

19. In absence of any credentials, the petition falls foul even of the provisions contained in Chapter XXII Rule 1(3-A) of the Rules of the Court 1952. The fact that the petitioner appears in person and is a practicing advocate in itself does not indicate his credentials. This issue came up before a Coordinate Bench of this court in the case of **Gurmet**

Singh Soni v. State of U.P., 2021 SCC OnLine All 413, and the relevant portion thereof reads as under:-

> "28. Considering the fact that the instant petition has been preferred as public interest litigation by a practicing Advocate, it will be necessary to note whether the petitioner has scrupulously complied with the provisions of Chapter-XXII Rule 1(3-A) of the Allahabad High Court Rules, 1952 which has been amended and incorporated w.e.f. 01.05.2010. The relevant Rule (3-A) reads as under:-
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> "(3-A) In addition to satisfying the requirements of the other rules in this chapter, the petitioner seeking to file a Public Interest Litigation, should precisely and specifically state, in the affidavit to be sworn by him giving his credentials, the public cause he is seeking to espouse; that he has no personal or private interest in the matter; that there is no authoritative pronouncement by the Supreme Court or High Court on the question raised; and that the result of the litigation will not lead to any undue gain to himself or anyone associated with him, or any undue loss to any person, body of persons or the State."
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> 29. A plain reading of the aforesaid rule would indicate that amongst other disclosure, any person filing a writ petition in shape of Public Interest Litigation must precisely and specifically state his credentials and the public cause he is seeking to espouse. In compliance of the aforesaid rule, the petitioner ought to have stated his credentials clearly.
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> 30. The word 'credential' has a specific connotation and means the quality and experience of a person that makes him suitable for doing a particular job. This aspect of the matter has already been noticed by a Coordinate Bench of this Court in the case of Narendra Kumar Yadav v. State of U.P., reported in 2020 (11) ADJ 637 (DB) and the relevant portion thereof is reproduced hereinafter:-
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> "7. The dictionary meaning of the word 'credentials' is the qualities and the experience of a person that make him suitable for doing a particular job. The Oxford English-English-Hindi Dictionary, 2nd Edition, explains credentials as the quality which makes a person perfect for the job or a document that is a proof that he has the training and education necessary to prove that he is a person qualified for doing the particular job.
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> 8. The petitioner herein claims to be a Social Worker, but in order to substantiate the nature of the social work he is doing or seeks to do, he has not disclosed any experience that makes him suitable or perfect for doing the said job and no document in proof has been furnished.?
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> 31. The word 'credential' has been defined in Black's Law Dictionary, 8th Edition:
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> "1. A document or other evidence that proves one's authority or expertise.
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> 2. A testimonial that a person is entitled to credit or to the right to exercise official power.

> 3. The letter of credence given to an ambassador or other representative of a foreign country.
>
> 4. Parliamentary law. Evidence of a delegate's entitlement to be seated and vote in a convention or other deliberative assembly.? However, for the present purposes the meaning at S. No. 1 above is the most relevant and apt for the purposes of construing Rule 1(3-A) of Chapter-XXII of Allahabad High Court Rules."

20. Taking a wholesome view of the entire matter, this court is satisfied that the petition is misconceived and it appears to have been filed to seek publicity, which is an attempt to soil the solemn instrument of a PIL, which this court does not approve.

21. Thus, for the aforesaid reasons, the petition is **dismissed**.

(Jaspreet Singh,J.) (Arun Bhansali,CJ.)

November 17, 2026
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Digitally signed by :-
ALI NEWAZ KHAN
High Court of Judicature at Allahabad,
Lucknow Bench