

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

901 WRIT PETITION NO.5436 OF 2023

RUBEENA SHAHEEN W/O  
AFIF AAQUIL BIYABANI,  
Age : 40 years, Occupation : Household,  
R/o Rasheedpura, Aurangabad-431001.

...PETITIONER

-VERSUS-

1. HAJ COMMITTEE OF INDIA  
THR ITS CHIEF EX. OFFICER,  
Off.: Haj House, 7-A, MRA Marg,  
(Palton Road), Mumbai-400001.
2. Ministry of Minority Affairs,  
Government of India,  
Off.: 11<sup>th</sup> Floor, Pandit Deendayal  
Antyodaya Bhawan, CGO Complex,  
Lodhi Road, New Delhi-110003.
3. The State of Maharashtra.  
Through its Secretary,  
Ministry of Minority Development,  
Government of Maharashtra,  
Mantralaya, Mumbai-400032.

...RESPONDENTS

AND

902 WRIT PETITION NO.5461 OF 2023

1. SHAIKH ATEEK SHAIKH  
ABDUL HAFEEZ,  
Age : 27 years, Occupation : Nil,  
R/o H.No.D-9/238, Galli No.4,  
Samtanagar, Opposite Mohammadi

Masjid, Aurangabad.

2. Shaheda W/o Shaikh Abdul Hafeez,  
Age : 47 years, Occupation : Household,  
R/o H.No.D-9/238, Galli No.4,  
Samtanagar, Opposite Mohammadi  
Masjid, Aurangabad.

...PETITIONERS

-VERSUS-

1. HAJ COMMITTEE OF INDIA  
THR ITS CHIEF EX. OFFICER,  
Off.: Haj House, 7-A, MRA Marg,  
(Palton Road), Mumbai-400001.  
[Ceo.hajcommittee@nic.in](mailto:Ceo.hajcommittee@nic.in)
2. Ministry of Minority Affairs,  
Government of India,  
Off.: 11<sup>th</sup> Floor, Pandit Deendayal  
Antyodaya Bhawan, CGO Complex,  
Lodhi Road, New Delhi-110003.
3. The Ministry of Civil Aviation,  
Government of India,  
Off.: Rajiv Gandhi Bhawan,  
Block-B, Jorbagh Safdarjung  
Airport Area, New Delhi-110003.
4. The State of Maharashtra.  
Through its Secretary,  
Ministry of Minority Development,  
Government of Maharashtra,  
Mantralaya, Mumbai-400032.

...RESPONDENTS

AND

903 WRIT PETITION NO.5533 OF 2023

1. AKIFUSMAN RAZZAK SHAIKH,  
Age : 24 years, Occupation : Business,

R/o near Khizra Masjid, Parli,  
Dist.Beed.

2. Zainab Bee w/o Shaikh Razzak,  
Age : 42 years, Occupation : Household,  
R/o near Khizra Masjid, Parli,  
Dist.Beed.
3. Siddiqui Abdul Faheem,  
Age : 56 years, Occupation : Teacher,  
R/o Azadnagar, Parli, Dist.Beed.
4. Gulnaz Bee w/o Abdul Faheem,  
Age : 48 years, Occ : Teacher,  
R/o Azadnagar, Parli, Dist.Beed.
5. Khan Shahvaz Khan Sharaj,  
Age : 30 years, Occ: Business,  
R/o Parli, Dist.Beed.
6. Shahenaz Shaheraj  
Age : 70 years, Occ : Business,  
R/o Parli, Dist.Beed.

...PETITIONERS

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Government of India,  
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Antyodaya Bhawan, CGO Complex,  
Lodhi Road, New Delhi-110003.
3. The Ministry of Civil Aviation,  
Government of India,



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901t919haj committee

Off.: Rajiv Gandhi Bhawan,  
Block-B, Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

4. The State of Maharashtra.  
Through its Secretary,  
Ministry of Minority Development,  
Government of Maharashtra,  
Mantralaya, Mumbai-400032.

...RESPONDENTS

AND

904 WRIT PETITION NO.5537 OF 2023

1. MOHAMMED ABDUL  
KHADAR ANSARI,  
Age : 30 years, Occ: Doctor,  
R/o Dargha Road, Parbhani.  
Cover No.MHF-8102-3-0.
2. Nizamoddin Gulam Dastagir,  
Age : 60 years, Occ: Retired,  
R/o Dargha Road, Parbhani.  
Cover No.MHF-7208-2-0.
3. Yousuf Zai Faruq Ali Khan,  
Age : 59 years, Occ : Retired,  
R/o Dargha Road, Parbhani.  
Cover No.MHF-7751-2-0.
4. Abdul Qadar Gulam Rasool,  
Age : 65 years, Occ: Retired,  
R/o Dargha Road, Parbhani.  
Cover No.MHF-7537-2-0.
5. Sk. Mujahed Sk. Masood,  
Age : 45 years, Occ : Service,  
R/o Dargha Road, Parbhani.  
Cover No.MHF-7520-2-0.

6. Khawaja Ahmed Nadeem Ansari,  
Age : 57 years, Occ : Professional,  
R/o Dargha Road, Parbhani.  
Cover No.MHF-447-2-0.

...PETITIONERS

-VERSUS-

1. HAJ COMMITTEE OF INDIA  
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[Ceo.hajcommittee@nic.in](mailto:Ceo.hajcommittee@nic.in)
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Off.: 11<sup>th</sup> Floor, Pandit Deendayal  
Antyodaya Bhawan, CGO Complex,  
Lodhi Road, New Delhi-110003.
3. The Ministry of Civil Aviation,  
Government of India,  
Off.: Rajiv Gandhi Bhawan,  
Block-B, Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND

905 WRIT PETITION NO.5538 OF 2023

1. MOHAMMED ABDUL  
SHAFI ANSARI,  
Age : 62 years, Occ: Rtd.,  
R/o Bari Colony, near Ram Mandir,  
Aurangabad.
2. Nuzhat Begum Lal Khan  
Md. Abdul Shafee,  
Age : 58 years, Occ : Household,  
R/o Bari Colony, near Ram Mandir,

Aurangabad.

...PETITIONERS

-VERSUS-

1. HAJ COMMITTEE OF INDIA  
THR ITS CHIEF EX. OFFICER,  
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3. The Ministry of Civil Aviation,  
Government of India,  
Off.: Rajiv Gandhi Bhawan,  
Block-B, Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND

906 WRIT PETITION NO.5547 OF 2023

1. SHAIKH ZUBER SHAIKH RAMZAN,  
Age : 24 years, Occu: Business,  
R/o Gangakhed, Dist.Parbhani.  
Cover No.MHF-8050-4-0.
2. Shaikh Khamroddin Shaikh Shmshoddin,  
Age : 54 years, Occu: Business,  
R/o H.No.Isad, Parbhani, Dist.Parbhani.  
Cover No.MHF-8096-2-0.

...PETITIONERS

-VERSUS-

1. HAJ COMMITTEE OF INDIA

THR ITS CHIEF EX. OFFICER,  
Off.: Haj House, 7-A, MRA Marg,  
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Lodhi Road, New Delhi-110003.
3. The Ministry of Civil Aviation,  
Government of India,  
Off.: Rajiv Gandhi Bhawan,  
Block-B, Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND

907 WRIT PETITION NO.5548 OF 2023

SYED ILYAS SYED IBRAHIM,  
Age : 45 years, Occ.: Teacher,  
R/o Shahbabu Teacher Colony,  
Patur, Akola.  
Cover No.MHF-701-2-0.

...PETITIONER

-VERSUS-

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THR ITS CHIEF EX. OFFICER,  
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Lodhi Road, New Delhi-110003.

3. The Ministry of Civil Aviation,  
Government of India,  
Off.: Rajiv Gandhi Bhawan,  
Block-B, Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND

908 WRIT PETITION NO.5549 OF 2023

1. ABDUL HANIF ABDUL HAI,  
Age:53, Occu: Nil  
R/o Afsar nagar Ujani road,  
Ausa, District Latur.
2. Naimunnisa Fatrusab, Age: 52, Occu Nil  
R/o Afsar nagar Ujani road  
Ausa, District Latur
3. Ahesanuddin Ahsabuddin shaikh,  
Age:59, Occu: Nil  
Hayat nagar near SKS College,  
Ausa District Latur
4. Shoukat Begum Abdul Latif,  
Age:58, Occu: Nil  
Hayat nagar near SKS College,  
Ausa District Latur
5. Musaddiq Ahamed,  
Age: 64, Occu: Nil  
Katgar galli, AUSA District Latur
6. Najiyabegam Musaddiq Ahmed,  
Age: 57, Occu: Nil  
Katgar galli, AUSA District Latur



7. Muddasir Ahemad Ansari,  
Age; 67, Occu: Nil  
Jamal nagar, Ausa District Latur
8. Akhila Mudassir Ansari,  
Age 59, Occu: Nil  
Jamal nagar, Ausa District Latur
9. Shaikh Akhil Mohmammad Shareef,  
Age: 61, Occu: Nil  
Jamal nagar, in front of rest house,  
Ausa District Latur.
10. Hasinabi Akhil,  
Age:47, Occu: Nil  
Jamal nagar, in front of rest house,  
Ausa District Latur
11. Liyakatbi Shadullaha  
65, Occu: Nil  
Jamal nagar, in front of rest house,  
Ausa District Latur
12. Shaikh Baban Gafur Saheb,  
4, Occu: Nil  
Sarola road, barkat nagar,  
Ausa District Latur
13. Zakerabegum Abdul Khadar  
Age: 52, Occu: Nil  
Sarola road, barkat nagar,  
Ausa District Latur
14. Akhil Janimiyan Deshmukh,  
39, Occu: Nil  
Sarola road, ansar nagar,  
Ausa District Latur
15. Salimabegum Janimiya  
72, Occu: Nil  
Sarola road, ansar nagar,

Ausa District Latur

16. Nazima Begum,  
Age 62, Occu: Nil  
At post Lamjana, Tq-Ausa, District Latur
17. Alim Rahim Patel,  
Age: 72, Occu: Nil  
At post Lamjana, Tq-Ausa, District Latur
18. Mufassil Alim Patel  
Age:44, Occu: Nil  
At post Lamjana, Tq-Ausa, District Latur
19. Farhatbi w/oAlim Patel  
Age:73, Occu: Nil  
At post Lamjana, Tq-Ausa, District Latur
20. Anjum, W/o Mufassil Patel  
39, Occu: Nil  
At post Lamjana, Tq-Ausa, District Latur
21. Khalil Ahmed  
Age: 62, Occu Nil  
Khandak galli, Ausa District Latur
22. Shabana Khalil  
Age: 55, Occu: Nil  
Khandak galli, Ausa District Latur
23. Mahamad ali Abbas ali  
Age: 68  
Khadakpura, Ausa District Latur
24. Gausiya begum Mahamad Ali  
Age 59, Occu Nil  
Khadakpura, Ausa District Latur
25. Mohammad Rafique Dagdu  
Age: 41, Occu Nil  
Arogya hospital, main road,

Ausa District Latur

26. Bismillabee w/o Dagdu Shaikh  
Age: 62, Occu Nil  
Arogya hospital, main road,  
Ausa District Latur
27. Fayyun Javedmiyal Age: 49, Occu Nil  
Kalan galli, Ausa District Latur
28. Shahanaz Fayyum  
Age: 41, Occu Nil  
Kalan galli, Ausa District Latur
29. Mujahed Shreef  
Age:50, Occu Nil  
Kazi galli, Ausa District Latur
30. Abdul Karim Abdul Rehmaan  
Age: 63, Occu Nil Hashmi nagar,  
Ausa District Latur
31. Navid Jaleel Ahmed  
Age:34, Occu Nil  
Kalan galli, Ausa District Latur
32. Shaikh Haider Saab  
Age: 77, Occu Nil  
Nath nagar, behind bus depo,  
Ausa District Latur
33. Sattar Maniyar  
Age:62, Occu Nil  
Nath nagar, behind bus depo,  
Ausa District Latur
34. Sakinabee Haidar Shaikh  
Age:80, Occu Nil  
  
Nath nagar, behind bus depo,  
Ausa District Latur

35. Mehrunnisa Sattar Maniyar,  
Age: 53, Occu Nil  
Nath nagar, behind bus depo,  
Ausa District Latur
36. Maniyar Anwar Shabbir,  
Age: 72, Occu Nil  
Shafa nagar, Ausa District Latur
37. Maniyar Ashfaque Anwar,  
Age: 47, Occu Nil  
Shafa nagar, Ausa District Latur
38. Maniyar Lalbi  
Age: 70, Occu Nil  
Shafa nagar, Ausa District Latur.
39. Kumthe Basheerabi  
Age: 46, Occu Nil  
Shafa nagar, Ausa District Latur
40. Tamim Lohare  
Age: 30, Occu Nil  
Navi peth, Ausa District Latur
41. Tasnimbegum Nanhesab  
Age: 55, Occu Nil  
Navi peth, Ausa District Latur
42. Rubina W/o yunus Mulla  
Age: 49, Occu Nil  
Navi peth, Ausa District Latur
43. Syed Maheboob  
Age: 68, Occu Nil  
Hashmi nagar, Ausa District Latur
44. Tahira Maheboob  
Age: 61, Occu Nil  
Hashmi nagar, Ausa District Latur

45. Abdul Rauf Azimoddin  
Age: 75, Occu Nil  
Dandiya galli, Ausa District Latur
46. Mumtaj Rauf  
Age: 64, Occu Nil  
Dandiya galli, Ausa District Latur
47. Abdul Sajid Abdul Rahemaan  
Age: 58, Occu Nil Kazi galli,  
Ausa District Latur
48. Shamshad begum Abdul Sajid Shaikh  
Age: 47, Occu Nil.  
Kazi galli, Ausa District Latur

...PETITIONERS

-VERSUS-

1. Union of India  
Through its Principal Secretary,  
Ministry of Civil Aviation,  
Rajiv Gandhi Bhavan, New Delhi.
2. Ministry of Minority Affairs,  
CGO complex, Lodhi Road, New Delhi.
3. Haj Committee of India  
Through its Chief Executive officer,  
Haj House, M.R.A Marg, Mumbai-400001
4. Maharashtra State Haj Committee  
Through its Executive officer,  
Office at Saboo siddiq, Musafirkhana,  
Room no.6,7,8  
Ground floor, LT marg Mumbai 400001.

...RESPONDENTS

...

AND  
909 WRIT PETITION NO.5550 OF 2023

SHAIKH GULAM DASTAGIR  
GULAM MOHIUDDIN  
Age : 63 years, Occ: Retd.,  
R/o Manzurpura, Aurangabad.  
Cover No.MHF-5321-3-0.

...PETITIONER

-VERSUS-

1. HAJ COMMITTEE OF INDIA  
THR ITS CHIEF EX. OFFICER,  
Off.: Haj House, 7-A, MRA Marg,  
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3. The Ministry of Civil Aviation,  
Government of India,  
Off.: Rajiv Gandhi Bhawan,  
Block-B, Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND  
910 WRIT PETITION NO.5552 OF 2023

1. SHAIKH ISMAIL SHAIKH  
MOHAMMAD RAFIQUE,  
Age : 42 years, Occ : Business,  
R/o Motiwalanagar, Aurangabad.  
Cover No.MHF-10149-4-0.

2. Gulam Athar s/o Gulam Rasool,  
Age : 39 years, Occ: Doctor,  
R/o Roshan Gate, Aurangabad.  
Cover No.MHF-5485-2-0.
3. Sher Khan s/o Habib Khan Belim,  
Age : 63 years, Occ : Business,  
R/o Motiwala Nagar, Aurangabad.  
Cover No.MHF-934-2-0.
4. Mohsin Khan Ismail Khan Pathan,  
Age : 35 years, Occ: Business,  
R/o Roshan Gate, Aurangabad.  
Cover No.MHF-10140-2-0.

...PETITIONERS

-VERSUS-

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Government of India,  
Off.: Rajiv Gandhi Bhawan,  
Block-B, Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND

911 WRIT PETITION NO.5583 OF 2023

1. MUKHTAR SUBHAN KHAN,

- Age : 74 years, Occ: Nil,  
R/o Mumtaz Colony,  
Parbhani.  
Cover No.MHR-8068-3-0.
2. Mir Shaker Ali S/o. Mir Taher Ali,  
Age: 58 Years, Occ.: Retired,  
R/o.: Mumtaz Nagar, Parbhani.  
Cover No: MHF-9585-2-0
4. Bismillah Khan Sher Khan,  
Age: 47 Years, Occ.: Business,  
R/o.: Khadarabad Plot, Parbhani.  
Cover No: MHF-7369-2-0
5. Syed Aslam Syed Ameer,  
Age: 31 Years, Occ.: Business,  
R/o.: Khadarabad Plot, Parbhani.  
Cover No: MHF-7366-2-0
6. Mohammed Musavvir Ansari,  
Age: 43 Years, Occ.: Business,  
R/o.: at Post Wallur, Parbhani.  
Cover No: MHF-7555-4-0
7. Shaikh Rafiq Shaikh Roshan,  
Age: 41 Years, Occ.: Business,  
R/o.: Khadarabad Plot, Parbhani.  
Cover No: MHF-5009-2-0
8. Syed Taher Ali Khurshid Ali,  
Age: 59 Years, Occ.: Business,  
R/o.: Parbhani.  
Cover No: MHF-7785-2-0
9. Mohammed Murtuza Mohammed Shaukat,  
Age: 52 Years, Occ.: Business,  
R/o.: Inayat Nagar, Parbhani.  
Cover No: MHF-7516-2-0
10. Syed Sardar Syed Abdullah,



Age: 58 Years, Occ.: Retired,  
R/o.: Sha Inayat Mohalla, Parbhani.  
Cover No: MHF-7502-2-0

11. Naser Khan Yaqub Pathan,  
Age: 59 Years, Occ.: Business,  
R/o.: Dargha Road, Parbhani.  
Cover No: MHF-7066-4-0
12. Viqaroddin Laiquddin Siddiqui,  
Age: 67 Years, Occ.: Business,  
R/o.: Dargha Road, Parbhani.  
Cover No: MHF-7587-2-0
13. Shaikh Khuddus Shaikh Razzak,  
Age: 63 Years, Occ.: Business,  
R/o.: Teacher Colony, Parbhani.  
Cover No: MHF-8159-2-0
14. Mohammed Ayyub Mohammed Yusuf,  
Age: 60 Years, Occ.: Business,  
R/o.: Dargha Road, Parbhani.  
Cover No: MHF-7624-2-0
15. Shaikh Shakil Shaikh Fakheer,  
Age: 55 Years, Occ.: Business,  
R/o.: Dargha Road, Parbhani.  
Cover No: MHF-7522-1-0
16. Muzaffar Mohabbat Khan,  
Age: 57 Years, Occ.: Business,  
R/o.: Sharif Colony Aurangabad.  
Cover No: MHF-495-2-0

...PETITIONERS

-VERSUS-

1. HAJ COMMITTEE OF INDIA  
THR ITS CHIEF EX. OFFICER,  
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Airport Area, New Delhi-110003.

...RESPONDENTS

AND

912 WRIT PETITION NO.5589 OF 2023

- 1) Mujahed Shadab Khan s/o  
Anees ur Rahman Khan,  
Age 41 yrs Occ Business,  
R/o H.no 8-3-44, Bukkalguda, Shahganj,  
Aurangabad Dist Aurangabad.  
Cover No. MHF-1223-3-0.
- 2) Zarina w/o Mujahed Shadab Khan,  
Age 45 yrs Oce Household,  
R/o H.no 1-15-38, opp Ek Khana Masjid,  
Rohila Galli, Aurangabad Dist Aurangabad.  
Cover No. MHF-1223-3-0.
- 3) Shameem Begum w/o Anees ur Rahman Khan,  
Age 66 yrs Occ Business,  
R/o H.no 8-3-44, Behind water Tank,  
Bukkalguda, Shahganj,  
Aurangabad Dist Aurangabad.  
Cover No. MHF-1223-3-0.
- 4) Mohammad Shafiuddin Mohammad  
Khizeruddin,  
Age 54 yrs Occ Business,

R/o Plot no 4/B Minhaj, Colony,  
Himayat Baugh, Aurangabad.  
Cover No. MHF-1082-2-0.

- 5) Quadri Shabana w/o Mohammad Shafiuddin,  
Age 52 yrs Occ Household  
R/o Plot no 4/B Minhaj, Colony,  
Himayat Baugh, Aurangabad Cover No. MHF-1082-2-0.  
...PETITIONERS

-VERSUS-

1. Haj Committee of India  
through its Chief Executive Officer,  
Off. Haj House, 7-A, M.R.A. Marg,  
(Palton Road), Mumbai - 400 001.  
ceo.hajcommittee@nic.in
  2. Ministry of Minority Affairs,  
Government of India  
Off. 11th Floor, Pandit Deendayal  
Antyodaya Bhawan, C.G.O. Complex,  
Lodhi Road, New Delhi - 110003.
  3. The State of Maharashtra  
through its Secretary,  
Ministry of Minority Development,  
Govt. of Maharashtra, Mantralaya,  
Mumbai -400032.
  4. The Union of India  
through its Secretary,  
Ministry of Minority Development,  
Govt. of Maharashtra, Mantralaya,  
Mumbai - 400 032.
- ...RESPONDENTS

AND

913 WRIT PETITION NO.5609 OF 2023

1. HUSSAIN AHMAD BAJAIM,

Age : 43 years, Occ: Business,  
R/o Nariman Nagar, Jalna.

2. Manal Bee Hussain Bajaim,  
Age : 40 years, Occ: Household,  
R/o As above.

...PETITIONERS

-VERSUS-

1. HAJ COMMITTEE OF INDIA  
THR ITS CHIEF EX. OFFICER,  
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Airport Area, New Delhi-110003.

...RESPONDENTS

AND

914 WRIT PETITION NO.5610 OF 2023

1. Shaikh Shahnawaz s/o. Shaikh Fakira,  
Age: 39 Years, Occ.: Labour,  
R/o.: Near Nurul Islam Masjid,  
Tq. Chikhli, Dist. Buldhana.  
Cover No: MHF-2845-4-0
2. Rubina Parveen w/o. Shaikh Shahnawaz  
Age: 34 Years, Occ.: Household,

R/o.: Near Nurul Islam Masjid,  
Tq. Chikhli, Dist. Buldhana.  
Cover No: MHF-2845-4-0

3. Shaikh Fakira s/o. Shaikh Chand  
Age: 73 Years, Occ.: Nil,  
R/o.: Near Nurul Islam Masjid,  
Tq. Chikhli, Dist. Buldhana.  
Cover No: MHF-2845-4-0
4. Najma Bee w/o. Shaikh Fakira,  
Age: 58 Years, Occ.: Household,  
R/o.: Near Nurul Islam Masjid,  
Tq. Chikhli, Dist. Buldhana.  
Cover No: MHF-2845-4-0
5. Shaikh Gafur s/o. Shaikh Biram,  
Age: 68 Years, Occ.: Nil,  
R/o.: Satgaon Bhusari, Tq. Chikhli,  
Dist. Buldhana.  
Cover No: MHF-3364-2-0
6. Amina Bi w/o. Shaikh Gafur,  
Age: 62 Years, Occ.: Household,  
R/o.: Satgaon Bhusari, Tq. Chikhli,  
Dist. Buldhana.  
Cover No: MHF-3364-2-0
7. Shaikh Sadik s/o. Shaikh Amir  
Age: 34 Years, Occ.: Labour,  
R/o.: Near Nurul Islam Masjid,  
Tq. Chikhli, Dist. Buldhana.  
Cover No: MHF-2853-3-0
8. Hajra Bi Shaikh Amir,  
Age: 56 Years, Occ.: Household,  
R/o.: Near Nurul Islam Masjid,  
Tq. Chikhli, Dist. Buldhana.  
Cover No: MHF-2853-3-0
9. Shaikh Mahbub Shaikh Hiraji

Age: 68 Years, Occ.: Labour,  
R/o.: at post Isoli, Tq. Chikhali,  
Dist. Buldhana.  
Cover No: MHF-2939-2-0

10. Javrabi w/o. Shaikh Mahbub Shaikh  
Hiraji  
Age: 63 Years, Oce.: Houhold,  
R/o.: at post Isoli, TQ. Chikhali, Dist. Buldhana.  
Cover No: MHF-2939-2-0

...PETITIONERS

VERSUS

1. Haj Committee of India  
through its Chief Executive Officer,  
Off.: Haj House, 7-A, M.R.A. Marg,  
(Palton Road), Mumbai - 400 001.  
ceo.hajcommittee@nic.in
2. Ministry of Minority Affairs,  
Government of India  
Off.: 11th Floor,  
PanditDeendayalAntyodayaBhawan,  
C.G.O. Complex, Lodhi Road,  
New Delhi-110003.
3. The Ministry of Civil Aviation Government of India,  
Off: Rajiv Gandhi Bhawan, Block-B.  
JorbaghSafdarjung Airport Area,  
New Delhi-110003..

...RESPONDENTS

AND

915 WRIT PETITION NO.5622 OF 2023

1. Mohammead Shakil s/o. Shaikh Ismail,  
Age: 64 Years, Occ.: Pensioner,  
R/o.: Near Urdu Primary School,  
Mirza Nagar, Buldhana, Tq. & Dist. Buldhana.  
Cover No: MHF-2628-4-0

2. Wajeda Tabassum w/o. Mohammed,  
Age: 56 Years, Occ.: Household,  
R/o.: Near Urdu Primary School,  
Mirza Nagar, Buldhana,  
Tq. & Dist. Buldhana.  
Cover No: MHF-2628-4-0
3. Shaikh Imran s/o. Mohammed Shakil,  
Age: 38 Years, Occ.: Business,  
R/o.: Near Urdu Primary School,  
Mirza Nagar, Buldhana,  
Tq. & Dist. Buldhana.  
Cover No: MHF-2628-4-0
4. Nuzhat Simran w/o. Shaikh Imran,  
Age: 35 Years, Occ.: Household,  
R/o.: Near Urdu Primary School,  
Mirza Nagar, Buldhana, Tq. & Dist. Buldhana.  
Cover No: MHF-2628-4-0
5. Jalil Ahmad s/o. Abdul Hamid Khan,  
Age: 59 Years, Occ.: Business,  
R/o.: Kalekhanipura, Balapur,  
Dist. Akola,  
Cover No: MHF-2970-2-0
6. Shahina Parveen w/o. Jalil Ahmad,  
Age: 44 Years, Occ.: Household,  
R/o.: Kalekhanipura, Balapur,  
Dist. Akola,  
Cover No: MHF-2970-2-0
7. Syed Kaseem w/o. Syed Azeem,  
Age: 60 Years, Occ.: Pensioner,  
R/o.: Near Aaramachine,  
Nawabiya Mohalla, Deulghat, Dist. Buldhana.  
Cover No: MHF-3495-2-0
8. Gazala Bano w/o. Syed Kaseem,  
Age: 50 Years, Occ.: Household,

R/o.: Near Aaramachine, Nawabiya Mohalla,  
Deulghat, Dist. Buldhana.  
Cover No: MHF-3495-2-0

9. Zahed Hussain s/o. Sayed Mazhar Hussain,  
Age: 61 Years, Occ.: Retired,  
R/o.: Deulghat, Dist. Buldhana.  
Cover No: MHF-5057-2-0
10. Zakera Begum w/o. Sayed Zahed,  
Age: 50 Years, Occ.: Household,  
R/o.: Deulghat, Dist. Buldhana.  
Cover No: MHF-5057-2-0
11. Latif Khan s/o. Hameed Khan,  
Age: 61 Years, Occ.: Business,  
R/o.: Near Taqwa Masjid, Mirza Nagar,  
Tq. & Dist. Buldhana.  
Cover No: MHF-2997-2-0
12. Sajeda Parvin w/o. Latif Khan,  
Age: 53 Years, Occ.: Household,  
R/o.: Near Taqwa Masjid, Mirza Nagar,  
Tq. & Dist. Buldhana.  
Cover No: MHF-2997-2-0
13. Sheikh Latif s/o. Sheikh Hasan,  
Age: 61 Years, Occ.: Nil,  
R/o.: Near Health Club, Mirza Nagar, Buldhana.  
Cover No: MHF-915-4-0
14. Hafiza Bi w/o. Sheikh Latif,  
Age: 61 Years, Occ.: Household,  
R/o.: Near Health Club, Mirza Nagar, Buldhana.  
Cover No: MHF-915-4-0
15. Shahnour Bi w/o. Sheikh Mohammed,  
Age: 50 Years, Occ.: Household,  
R/o.: Ward No.4, Behind Zuber  
Saw Mill, Buldhana.



16. Parveenbi w/o. Gafar Sheikh,  
Cover No: MHF-915-4-0
17. Shaikh Ismail w/o. Shaikh Kaloo,  
Age: 67 Years, Occ.: Agri.,  
R/o.: Urdu High School Road,  
Johar Nagar, Buldhana.  
Cover No: MHF-596-2-0
18. Mumtaz Bi w/o. Shaikh Ismail,  
Age: 56 Years, Occ.: Household,  
R/o.: Urdu High School Road,  
Johar Nagar, Buldhana.  
Cover No: MHF-596-2-0
19. Mohammed Sajed s/o.  
Abdul Samad Shaikh,  
Age: 58 Years, Occ.: Service,  
R/o.: Near Chand Manzil,  
Near Jama Masjid, Hajam Galli, Buldhana.  
Cover No: MHF-3304-2-0
20. Shabana Afroz w/o. Mohammed Sajed,  
Age: 57 Years, Occ.: Household,  
R/o.: Near Chand Manzil, Near Jama Masjid,  
Hajam Galli, Buldhana.  
Cover No: MHF-3304-2-0
21. Ayyub Khan w/o. Amir Khan,  
Age: 72 Years, Occ.: Labour,  
Ro: Near Khairushah Baba Dargah,  
Ward No.8, Chikhli, Buldhana.  
Cover No: MHF-7949-2-0
22. Hajra Bi w/o. Ayyub Khan,  
Age: 54 Years, Occ.: Household,  
R/o: Near Chand Manzil,  
Near Jama Masjid, Hajam Galli,  
Buldhana.

Cover No: MHF-3304-2-0

23. Vaquar Ahmad s/o. Mukhtar Shaikh,  
Age: 33 Years, Occ.: Labour,  
R/o.: Jaitun Gafur Manzil,  
Tipu Sultan Chowk, Telgu Nagar,  
Buldhana.  
Cover No: MHF-2514-2-0
24. Jameela Bano w/o. Mukhtar Shaikh,  
Age: 54 Years, Occ.: Household,  
R/o.: Jaitun Gafur Manzil,  
Tipu Sultan Chowk,  
Cover No: MHF-2514-2-0
25. Shaikh Afsar s/o. Shaikh Ahemad,  
Telgu Nagar, Buldhana.  
Age: 48 Years, Occ.: Labour,  
R/o. Infront of Jama Masjid,  
Iqbal Chowk, Buldhana.  
Cover No: MHF-3310-2-0
26. Nahid Bano w/o. Shaikh Afsar,  
Age: 43 Years, Occ.: Household,  
R/o.: Infront of Jama Masjid,  
Iqbal Chowk, Buldhana.  
Cover No: MHF-3310-2-0
27. Sayad Soheli s/o. Sayad Sahamsuddin,  
Age: 47 Years, Occ.: Labour,  
R/o.: New Colony, Lonar, Buldhana.  
Cover No: MHF-3667-3-0
28. Shabana Anjum w/o. Sayad Soheli,  
Age: 46 Years, Occ.: Household,  
R/o.: New Colony, Lonar, Buldhana.  
Cover No: MHF-3667-3-0
29. Shagufta Parveen w/o. Shaikh Abdul Rauf,  
Age: 53 Years, Occ.: Household,  
R/o.: Mohanpura, Malkapur, Buldhana.

Cover No: MHF-3667-3-0

30. Shaikh Aziz s/o. Shaikh Razzak,  
Age: 60 Years, Occ.: Labour,  
R/o.: Near National School,  
Buldhana. Cover No: MHF-2697-2-0
31. Farzana Parveen w/o. Shaikh Aziz,  
Age: 51 Years, Occ.: Household,  
R/o.: in front of Akram Kirana,  
Johar nagar, Buldhana.  
Cover No: MHF-2697-2-0
32. Abdul Majid s/o. Abdul Ajij,  
Age: 60 Years, Occ.: Business,  
R/o.: Mominpura, Deulghat, Buldhana.  
Cover No: MHF-2610-2-0
33. Asiya begum w/o. Abdul Majid,  
Age: 54 Years, Occ.: Household,  
R/o.: Mominpura, Deulghat, Buldhana.  
Cover No: MHF-2610-2-0
34. Munawwar Uzzma s/o. Hafizulla Hasan Khan,  
Age: 42 Years, Occ.: Service,  
R/o.: in front of Samir Kirana Shop,  
Iqbal Nagar, Buldhana.  
Cover No: MHF-7780-1-0
35. Abdul Aahad s/o. Abdul Rehman,  
Age: 42 Years, Occ.: Service, Buldhana.  
R/o.: in front of Samir Kirana Shop, Iqbal Nagar,  
Cover No: MHF-3406-2-0
36. Sultanabee w/o. Abdul Aahad,  
Age: 38 Years, Occ.: Household,  
R/o.: in front of Samir Kirana Shop,  
Iqbal Nagar, Buldhana.  
Cover No: MHF-3406-2-0
37. Syed Ajaz Akbar s/o. Syed Noor,

Age: 44 Years, Occ.: Business,  
R/o.: Nawab Pura, at post Deulghat, Buldhana.  
Cover No: MHF-3466-4-0

38. Irshad Bi w/o. Shaikh Bahadar,  
Age: 70 Years, Occ.: Household,  
R/o.: Dhamangaon Badhe, Buldhana,  
Cover No: MHF-3466-4-0
39. Shaikh Bahadar s/o. Shaikh Imam,  
Age: 75 Years, Occ.: Nil,  
R/o.: Dhamangaon Badhe, Buldhana,  
Cover No: MHF-3466-4-0
40. Aabeda Bi w/o. Syed Ajaz,  
Age: 42 Years, Occ.: Household,  
R/o.: Nawab Pura, at post Deulghat,  
Buldhana. Cover No: MHF-3466-4-0
41. Shirani Khan s/o. Durrani Khan,  
Age: 33 Years, Occ.: Labour,  
R/o.: Near Taqwa masjid,  
Mirza Nagar, Buldhana,  
Cover No: MHF-2634-3-0
42. Durrani Khan s/o. Rabbani Khan,  
Age: 62 Years, Occ.: Nil,  
R/o.: Near Taqwa masjid,  
Mirza Nagar, Buldhana,  
Cover No: MHF-2634-3-0
43. Arshiya Nazneen w/o. Durrani Khan,  
Age: 52 Years, Occ.: Household,  
R/o.: Near Taqwa masjid, Mirza Nagar,  
Buldhana,  
Cover No: MHF-2634-3-0
44. Arif Khan s/o. Zabiulla Khan,  
Age: 41 Years, Occ.: Business,  
R/o.: Ward No. 15, Gulab Khan Mohalla,  
Lonar, Buldhana.

Cover No: MHF-4892-2-0

45. Fatema Begum w/o. Arif Khan,  
Age: 32 Years, Occ.: Household,  
R/o.: Ward No. 15, Gulab Khan Mohalla,  
Lonar, Buldhana.  
Cover No: MHF-4892-2-0
46. Shaikh Wahed s/o. Shaikh Razzak,  
Age: 65 Years, Occ.: Agri.,  
R/o.: Dhar Road,  
Near Sabunpura Masjid, Lonar, Buldhana.  
Cover No: MHF-1850-2-0
47. Najma Bi w/o. Shaikh Wahed,  
Age: 58 Years, Occ.: Household,  
R/o.: Dhar Road, Near Sabunpura Masjid,  
Lonar, Buldhana.  
Cover No: MHF-1850-2-0
48. Ahmad Noor s/o. Abdul Razzak,  
Age: 72 Years, Occ.: Nil,  
R/o.: Jama Masjid Chowk,  
Nayi Nagri, Lonar, Buldhana.  
Cover No: MHF-7866-2-0
49. Alimunnisa Begum w/o. Ahmad Noor,  
Age: 60 Years, Occ.: Household,  
R/o.: Jama Masjid Chowk,  
Nayi Nagri, Lonar, Buldhana.  
Cover No: MHF-7866-2-0
50. Mohammad Saleem s/o.  
Abdul Razzak Shaikh,  
Age: 67 Years, Occ.: Business,  
R/o.: Jama Masjid Chowk, Nayi Nagri,  
Lonar, Buldhana.  
Cover No: MHF-7862-3-0
51. Zulekha Bee w/o. Mohammad Saleem,  
Age: 60 Years, Occ.: Household,

R/o.: Jama Masjid Chowk,  
Nayi Nagri, Lonar, Buldhana.  
Cover No: MHF-7862-3-0

52. Shagufta Bee w/o. Mohammad Saleem,  
Age: 44 Years, Occ.: Household,  
R/o.: Jama Masjid Chowk,  
Nayi Nagri, Lonar, Buldhana.  
Cover No: MHF-7862-3-0

53. Abdul Samad s/o. Abdul Gafur,  
Age: 62 Years, Occ.: Agri.,  
R/o.: Saudagarpura Washim,  
Dist. Washim.  
Cover No: MHF-326-4-0

54. Najmunnissa w/o. Abdul Samad,  
Age: 52 Years, Occ.: Household,  
R/o.: Saudagarpura Washim, Dist. Washim.  
Cover No: MHF-326-4-0

55. Abdul Rehan Raza s/o. Abdul Samad,  
Age: 20 Years, Occ.: Education,  
R/o: Saudagarpura Washim, Dist. Washim.  
Cover No: MHF-326-4-0

...PETITIONERS

-VERSUS-

1. Haj Committee of India  
through its Chief Executive Officer,  
Off. Haj House, 7-A, M.R.A. Marg,  
(Palton Road), Mumbai - 400 001.  
ceo.hajcommittee@nic.in
2. Ministry of Minority Affairs,  
Government of India  
Off.: 11th Floor,  
PanditDeendayalAntyodayaBhawan,  
C.G.O. Complex, Lodhi Road,  
New Delhi-110003.

3. The Ministry of Civil Aviation  
Government of India,  
Off: Rajiv Gandhi Bhawan,  
Block-B. JorbaghSafdarjung  
Airport Area, New Delhi-110003.

....RESPONDENTS

AND

916 WRIT PETITION NO.5623 OF 2023

1. Gani Khan S/o. Ayub Khan,  
Age: 54 Years, Occ.: Business,  
R/o.: Kathoda Bazar, Tq. Bhokardan,  
Dist. Jalna. Cover No. MHF-7857-3-0
2. Aziz S/o. Usman Shaikh,  
Age: 73 Years, Occ.: Nil,  
R/o.: Usman Peth, Tq. Bhokardan,  
Dist. Jalna.  
Cover No. MHR-7748-2-0
3. Rehman S/o. Ameer Shaikh,  
Age: 58 Years, Occ.: Business,  
R/o.: Wakdi, Tq. Bhokardan,  
Dist. Jalna. Cover No. MHF-1451-2-0
4. Abdul Mujib S/o. Abdul Rashid,  
Age: 52 Years, Occ.: Business,  
R/o.: Tq. Bhokardan, Dist. Jalna.  
Cover No. MHF-7965-3-0
5. Abdul Raheman S/o. Abdul Gafur Shaikh,  
Age: 58 Years, Occ.: Business,  
R/o.: Tq. Bhokardan, Dist. Jalna.  
Cover No. MHF-1720-4-0
6. Sher Khan S/o. Salar Khan,  
Age: 49 Years, Occ.: Business,  
R/o.: Tq. Bhokardan, Dist. Jalna.

Cover No. MHF-7828-4-0

7. Abdul Husen S/o. Abdul Rauf,  
Age: 57 Years, Occ.: Business,  
R/o.: Pimpalgaon, Tq. Bhokardan, Dist. Jalna.  
Cover No. MHF-7969-2-0
8. Mujeeb Khan S/o. Ayyub Khan,  
Age: 39 Years, Occ.: Business,  
R/o.: Tq. Bhokardan, Dist. Jalna.  
Cover No. MHF-6738-3-0
9. Aasif Khan S/o. Shabbir Khan,  
Age: 54 Years, Occ.: Business,  
R/o.: Pimpalgaon, Tq. Bhokardan,  
Dist. Jalna. Cover No. MHF-7612-2-0
10. Mohammad Naim S/o. Mohammad Kasim,  
Age: 67 Years, Occ.: Business,  
R/o.: Tq. Bhokardan, Dist. Jalna.  
Cover No. MHF-1452-2-0
11. Ibrahim Khan S/o. Akram Khan,  
Age: 48 Years, Occ.: Business,  
R/o.: Dhawda, Tq. Bhokardan,  
Dist. Jalna. Cover No. MHF-7850-2-0
12. Raisoddin S/o. Ansaroddin,  
Age: 64 Years, Occ.: Business,  
R/o.: Tq. Bhokardan, Dist. Jalna.  
Cover No. MHF-10150-2-0
13. Razek Ali S/o. Sardar Ali,  
Age: 59 Years, Occ.: Business,  
R/o.: Tq. Bhokardan, Dist. Jalna.  
Cover No. MHF-7801-4-0
14. Sharif Kha S/o. Yusuf Kha,  
Age: 74 Years, Occ.: Business,  
R/o.: Kathoda Bazar, Tq. Bhokardan,  
Dist. Jalna. Cover No. MHF-1782-2-0



15. Abdul Quddus S/o. Abdul Qadar,  
Age: 42 Years, Occ.: Business,  
R/o.: Malik Ambar Nagar, Tq. Sillod,  
Dist. Aurangabad.
16. Shaikh Ansar S/o. Shaikh Tajbhai,  
Age: 58 Years, Occ.: Business,  
R/o: Arif Colony, Aurangabad.  
Cover No. MHF-5049-2-0

...PETITIONERS

-VERSUS-

1. Haj Committee of India  
through its Chief Executive Officer,  
Off.: Haj House, 7-A, M.R.A. Marg,  
(Palton Road), Mumbai - 400 001.  
ce.hajcommittee nic.in
2. Ministry of Minority Affairs,  
Government of India  
Off.: 11th Floor,  
PanditDeendayalAntyodayaBhawan,  
C.G.O. Complex, Lodhi Road,  
New Delhi - 110003.
3. The Ministry of Civil Aviation  
Government of India,  
Off: Rajiv Gandhi Bhawan,  
Block-B. Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND

917 WRIT PETITION NO.5624 OF 2023

PATHAN KHUSHID KHAN BABU KHAN,  
Age : 60 years, Occ : Business,  
R/o Roshan Mohalla, Gangakhed,  
Dist.Parbhani.

Cover No.MHR-8025-4-0.

...PETITIONERS

-VERSUS-

1. Haj Committee of India  
through its Chief Executive Officer,  
Off.: Haj House, 7-A, M.R.A. Marg,  
(Palton Road), Mumbai - 400 001.  
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2. Ministry of Minority Affairs,  
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3. The Ministry of Civil Aviation  
Government of India,  
Off: Rajiv Gandhi Bhawan,  
Block-B. Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND

918 WRIT PETITION NO.5754 OF 2023

RAFIK MEHBOOB PATHAN,  
Age : 63 years, Occ.: Retd.,  
R/o Daund-Jamkhed Road,  
Holi Galli, Shrigonda,  
Ahmednagar, Dist.Ahmednagar.  
Cover No.MHF-4578-2-0.

...PETITIONERS

-VERSUS-

1. Haj Committee of India  
through its Chief Executive Officer,  
Off.: Haj House, 7-A, M.R.A. Marg,

(Palton Road), Mumbai - 400 001.  
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2. Ministry of Minority Affairs,  
Government of India  
Off.: 11th Floor,  
PanditDeendayalAntyodayaBhawan,  
C.G.O. Complex, Lodhi Road,  
New Delhi - 110003.
3. The Ministry of Civil Aviation  
Government of India,  
Off: Rajiv Gandhi Bhawan,  
Block-B. Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

AND

919 WRIT PETITION NO.5783 OF 2023

ASHPAK MOHAMMAD SHAIKH.  
Age : 63 years, Occ: Nil,  
R/o Kpargaon, Ahmednagar.  
Cover No.MHF-6447-2-0.

...PETITIONERS

-VERSUS-

1. Haj Committee of India  
through its Chief Executive Officer,  
Off.: Haj House, 7-A, M.R.A. Marg,  
(Palton Road), Mumbai - 400 001.  
ceo.hajcommittee nic.in
2. Ministry of Minority Affairs,  
Government of India  
Off.: 11th Floor,  
PanditDeendayalAntyodayaBhawan,  
C.G.O. Complex, Lodhi Road,  
New Delhi - 110003.

3. The Ministry of Civil Aviation  
Government of India,  
Off: Rajiv Gandhi Bhawan,  
Block-B. Jorbagh Safdarjung  
Airport Area, New Delhi-110003.

...RESPONDENTS

...

Shri T.R. Quadri, Shri T.Y. Sayyed, Shri Shaikh Mohd. Rizwan  
i/by Shri T.A. Quadri and Shri A.L. Shaikh i/by Shri A.T. Patel,  
Advocates for the Petitioners in the respective petitions.

Shri A.N. Patale, Shri B.M. Dhanure, Shri R.R. Bangar, Shri  
S.W.Munde and Shri Rahul Bagul, Standing Counsel for the  
Respondents/ UoI in the respective petitions.

Shri V.M. Kagne, AGP for the Respondents/ State Authorities.

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**CORAM : RAVINDRA V. GHUGE  
&  
Y. G. KHOBRAGADE, JJ.**

**DATE :- 21<sup>st</sup> July, 2023**

**ORAL JUDGMENT (Per Ravindra V. Ghuge, J):-**

1. Rule. Rule made returnable forthwith and heard  
finally by the consent of the parties.

2. All these Petitioners are identically placed and have  
a common grievance, which can be framed in the following  
words:-

**Grievance No.1:-** Were the Haj pilgrims made aware of the  
rates that would be applied to the embarkation points before

closing their option of choosing an Embarkation Point (hereinafter referred as “EP”)?

**Grievance No.2:-** Were the Haj pilgrims made to believe that such charges are likely to be less than those which were chargeable for the Haj Pilgrimage-2022?

**Grievance No.3:-** If exorbitant EP charges for Aurangabad were disclosed after the Haj pilgrims locked their preference, whether, they were given an option to change to their second choice of economical EP?

**Grievance No.4:-** Do the guidelines for the Haj Pilgrimage, 2023 [Announcement for Haj 1444 (H)-2023 (C.E.) 144 (H-2023) (CE)] create an option to the pilgrims to opt for one of the two EPs, ‘*preferably the nearest economical EP*’?

3. The learned Advocates appearing for the litigating parties before us have cited the judgments delivered by the Honourable Supreme Court in ***Union of India and others vs. Rafique Shaikh Bhikan and others, (2013) 4 SCC 699*** (hereinafter referred to as “the 2013 Rafique-699” case) and ***Union of India and others vs. Rafique Shaikh Bhikan and others, (2013) 4 SCC 807*** (hereinafter referred to as “the 2013 Rafique-

807 case”).

4. Before we proceed to deliver this judgment, we are referring to the first judgment in the case of **“the 2013 Rafique-699 case” (supra)**. Paragraphs 7, 8, 11 and 17 read as under:-

“7. *This relates to the policy in regard to pilgrims going for hajj through the Haj Committee of India (in distinction to those going through private tour operators). We accept the suggestion of the Amicus and hold that the practice of framing Hajj Policy on an annual basis is quite ad-hoc and unsatisfactory and must be replaced by a policy framework made for a period of five years. We, accordingly, direct that the Hajj Policy that is to be framed this year would be for a period of five years and would be called the Haj Policy 2013 – 2017. The proposed Hajj Policy will be posted on the website of the MEA inviting objections, comments and suggestions within one month from the date it is made available on the website. The policy would be given the final shape after taking into account any objections, comments or suggestions that may be worthy of acceptance within a further period of one month. The final policy so framed shall remain valid and operative for a period of five years upto hajj 2017 and may be amended only in case of any change in the arrangements with the Kingdom of Saudi Arabia as per the agreement entered into between the two countries every year. The next five year policy will be similarly framed, keeping in view any problems that might have been encountered in following the previous policy and taking into account any improvements, innovations and technological advances in order to add content and quality to the succeeding policy and to make it perform better than the previous policy.*”

“8. *We further direct that the Hajj Policy should pay attention to special needs of the lady pilgrims and it should be aimed at making the pilgrimage for lady pilgrims as smooth and trouble-free as*

*possible.”*

“11. *We accept the submission of Amicus and direct that the time schedule with regard to the hajj process as fixed by the Haj Committee of India should be strictly adhered to and no authority or court should interfere in the process of submission of applications, scrutiny and allotment of seats by the Haj Committees, in case the interference would lead to disturbing the time schedule.”*

“17. *Mr.Ahmadi stated that admittedly the air fare charged by the Haj Committee was much higher than the fare charged by private tour operators. He submitted that the best fare could be secured by putting out a global tender. The Attorney General, however, pointed out that in view of the constraints of the agreement signed between the Government of India and the Kingdom of Saudi Arabia and the official policy of the Saudi Government, a global tender may not be possible. On this issue there is need to find a middle course and on hearing the Amicus and the learned Attorney General, we think that the Government of India can make a beginning in this regard by inviting tenders from the three Saudi Airlines and all the Indian registered Airlines besides any other airlines that may be eligible under the Saudi Policy.”*

5. In **“the 2013 Rafique-807 case”** (*supra*), considering the issue that was before the Honourable Supreme Court, it was directed that all such cases seeking directions for registration of private tour operators for Haj-2012 pending in any High Court, be transferred to the Honourable Supreme Court.

6. Having considered the extensive submissions of the learned Advocates for the respective sides, we would summarize

the submissions of the Petitioners as under:-

(a) All these Petitioners have undertaken the Haj Pilgrimage-2023. Each of them had an option of selecting an EP out of 21 EPs pan India.

(b) The closest EP for the Petitioners, who hail from the Marathwada region, was Aurangabad followed by Mumbai.

(c) After the Haj Pilgrimage-2023 was declared and the guidelines were issued on 10.02.2023 by the Haj Committee of India (hereinafter referred to as the "HCoI"), the Petitioners were permitted to submit their online Haj application forms.

(d) As per the guidelines, the last date for registering the online applications was 20.03.2023. There is no dispute that all these Petitioners tendered their online application forms before the last date.

(e) Through the random digital selection (lottery), selection of Haj pilgrims was done on 31.03.2023.

(f) EP selection was to be locked through the online application form.

(g) The learned Standing Counsel representing the Union of India and the HCoI, submit that once an option was locked, there was no chance or scope for changing an EP option.



(h) All over India, each of the Haj pilgrims were liable to deposit the first installment of Rs.81,800/-, by 14.04.2023.

(i) The second installment of Rs.1,70,000/- (without Qurbani/ Adahi) was to be paid by 15.05.2023, as per the circular dated 06.05.2023, to the HCoI.

(j) This entire residual amount was deposited until 15.05.2023 and the Haj flights commenced from 21.05.2023.

(k) The affidavit in reply filed in these cases by the HCoI dated 21.07.2023 states that, "*It is expected that the expenditure under the package of HCoI for a pilgrim for Haj 2023 would be less than that of Haj 2022. However, the actual amount for pilgrims will be finalized only after hiring of services for the pilgrims in India and Saudi Arabia. Pilgrims who are capable of undertaking Haj shall only apply after validating their eligibility conditions and should have the means and wherewithal for undertaking Haj*".

7. It is, therefore, contended that the Petitioners were made to believe that the charges for the Haj Pilgrimage-2023 insofar as air fare and EP, would be less than the Haj Pilgrimage-2022.

8. With the above guarded assurance, the guidelines for 2023 indicate, at internal page 25, that for the Haj Pilgrimage-2019, the air fare rate inclusive of EP charges for Mumbai was Rs.67,843/- and for Aurangabad, it was Rs.80,987/-, a difference of about Rs. 3150/-. For the Haj Pilgrimage-2022, the air fare for Mumbai increased to Rs.73,827/-, roughly by Rs.6000/-. The Aurangabad rates were not shown.

9. The learned Advocates for the Petitioners, therefore, contend that if the “Law of Averages” is applied, the rise for the Aurangabad EP would be around Rs.10,000/- more for 2022. Hence, as they were made to believe through the Haj guidelines that the rates would be less than those of the Haj-2022 Pilgrimage, they decided to lock their preference for Aurangabad EP since all of them are from this region. However, they were shocked to realize vide the circular dated 06.05.2023 that the said air fares/ EP charges for Mumbai got reduced by almost Rs.20,000/- to Rs.53,043/-(2023) from Rs.73,827/-(2022) and for Aurangabad, it was increased to Rs.1,40,938/-, which would practically be an increase of more than Rs.60,000/- if the air fares/ EP charges for the Haj-2022 are presumed to have Rs.80,000- (which were not disclosed).

10. The learned Standing Counsel representing the Union of India and HCoI have drawn our attention to their affidavits in reply more particularly paragraphs 10, 11, 12 and 13, which read as under:-

- “10. Keeping the demands and convenience of the pilgrims into consideration, which is central to the Haj Policy and arrangements, it was decided in the Haj Policy-2023 issued in February 2023 to designate an all- time high number of 25 EPS for Haj 2023. The pilgrims were also given choice to select any embarkation point as per their choice across India for their convenience.*
- 11. As per the Bilateral Agreement for Haj between Government of India and the Kingdom of Saudi Arabia, carriers of only Saudi Arabia and India can only be used for ferrying the pilgrims. To discover the minimum fair price for each of the EPs, a bid was floated for all the 25 EPs by Ministry of Civil Aviation, Government of India for the Saudi and Indian carriers, as per the bilateral agreement and the aviation rules applicable. Bids were received for only 22 EPs and accepted at the minimum discovered price. From these 22 EPs, GoAir submitted bid and became successful.*
- 12. Consequent upon insolvency proceedings initiated in respect of GoAir, the Government took immediate steps to ensure that there was no last-minute inconvenience to the pilgrims and the 10 EPS allocated to GoAir were offered to other bidders for smooth Haj Air Charter Operation. Following the due process, 8 EPs out of the 10 EPs have been allocated to other airlines.*
- 13. As is evident from the above, the Government has taken all possible steps, despite various*

*impediments and challenges, so as to ensure the best arrangements for the pilgrims. It is very relevant to emphasise that the airfares are exceptionally high this year due to an acute shortage of aircrafts globally, on account of grounding of airplanes with Pratt and Whitney engines due to technical reasons and increase in the prices of ATF. It is also mentioned that the airfares of non-metro cities, in which the new EPs are generally located are generally high in comparison to the metro cities, due to various technical and commercial reasons. During the bidding process, the Airlines apart from other factors also consider the location of EP, number of expected passengers and types of the aircraft available with them when bidding for different locations. As such the Government exercises very limited control over prices discovered for different Airports.”*

11. They further submit that clause 31 of the guidelines with regard to the EPs, is referred to in paragraphs 15 to 18 which are as under:-

“15. ..... The actual airfare for Haj- 2023 will depend on the rates obtained through the bidding process to be initiated by MoCA. No change of Embarkation Point will be permissible after selection of preferential Embarkation Point by the pilgrims.

16. It is evident that the pilgrims were given two choices for selection of Embarkation Points (Eps) of their choice in the order of priority. Ministry of Civil Aviation had invited tender from the Airlines for the said embarkation Points for Haj-2023. The Airlines have quoted their rate for the individual Embarkation for

*Haj-2023 and accordingly the Air Fare was finalised.*

17. *It is worth mentioning that the Hon'ble Supreme Court in Union of India and Ors. v/s Rafique Sheikh Bhikan and Anr (2013) held that time schedule with regard to the Haj process as fixed by the Haj Committee of India should be strictly adhered to and no authority or Court should interfere in the process of submission of applications, scrutiny and allotment of seats by the Haj Committees, in case the interference would lead to disturbing the time schedule. The Hon'ble Supreme Court also held that this direction is made keeping in view that in appropriate cases individual interest must yield to the larger good and in the larger interest.*
  
18. *If the demand of Mrs. Rubeena Shaheen (one of the Petitioners in these petitions) is accepted for change of embarkation point to Mumbai where there is low airfare as compared to Aurangabad, many pilgrims may approach HCol to change their embarkation point to other embarkation point taking into consideration the low airfare of other Embarkation Points. This will result in utter chaos in Haj Air Charter Operation for Haj-2023 which will jeopardize and derail the entire Haj Process. It is pertinent to mention here that each airport has a limitation in terms of the number of pilgrims which it can handle and air carriers have planned their flights and logistics accordingly based on availability of aircraft and other conditions. Moreover, the contract entered into with each airlines specifies the rate and the number of pilgrims for which the air carrier has furnished the bid for any EP. Further changing the price of an EP is neither possible nor advisable as it would be violative of the*

*terms and conditions under which the bid was finalised.”*

(Emphasis supplied)

12. The learned Advocates for the Petitioners draw our attention to three portions of the guidelines below clause 31 as under:-

“In case of number of pilgrims travelling from an Embarkation Point goes above or below the economic operation of the Air Charter services, MoMA reserves the right to reallocate the pilgrims to any other Embarkation Point, for operational purposes, in the interest of smooth Air Charter Operations and Air Safety protocols.

*In addition to the 25 Embarkation Points, MoMA may also consider other Airports as EPS in public interest and subject to approval of Ministries such as the Ministry of External Affairs, the Ministry of Civil Aviation and also authorities of Kingdom of Saudi Arabia (KSA).*

*For Haj-2023, the pilgrims will be charged airfare on actual basis on the rates obtained through competitive bidding conducted by MoCA after following due process as per the Government rules and guidelines in force. Pilgrims may opt for two EPs in order of priority preferably nearest economical EP.”*

(Emphasis supplied)

13. While referring to the third reproduced portion herein above, they submit that it is a part of the guidelines that

the pilgrims will be charged air fares on actual basis on the rates obtained through competitive bidding conducted by the Ministry of Civil Aviation (hereinafter referred to as the “MoCA”) after following due process as per the Government rules and guidelines in force. The pilgrims can opt for two EPs in order of priority ‘preferably the nearest economical EP’. This would mean that while the pilgrims would be charged air fares on actual basis as per the rates obtained through competitive bidding, they would be given an option for two EPs in order of priority preferably the nearest economical EP. The Petitioners lay stress on this last sentence to support their contention that the air fares should have been proclaimed/ announced by the HCoI prior to the locking of EP options by the pilgrims.

14. We find reasonableness in the contentions of the Petitioners in the light of the above reproduced guidelines. If the said guideline is read in continuity, it would indicate that, on the one hand, the pilgrims would be charged air fares after they are announced on the basis of the competitive bidding and on the other hand, the pilgrims would be given an option to choose the nearest economical EP. Had these rates been announced prior to the locking of choice of EP, the pilgrims could have chosen

Mumbai instead of Aurangabad and could have saved around Rs.88000/- per pilgrim. It is undisputed, rather conceded, that the Petitioners were made to lock their preference of selecting the Aurangabad EP prior to the declaration of rates of EP fare which includes air fare and thereafter, there was no option left open to the Petitioners to change the EP so as to select “*preferably nearest economical EP*”, as is prescribed in the guidelines.

15. In view of the above, we have formed an opinion that Petitioners had to lock their EP preference prior to the declaration of the EP charges and consequentially, they have themselves acted against the above reproduced guidelines since the pilgrims were not at liberty to opt for the preferably nearest economical EP. The Petitioners contend that, on the one hand, they were made to believe that the rates for Haj-2023 pilgrimage may be lesser than Haj-2022 pilgrimage, which came to be true in case of Mumbai where the EP charges were reduced by almost Rs.20,000/- and on the other hand, the EP fare for Aurangabad was declared to be astronomically high and almost Rs.88,000/- more than the Mumbai fare, without leaving any choice to the Petitioners to opt for the nearest economical EP.

16. We, however, find certain limitations in considering



the prayers of the Petitioners for a refund. If the guidelines are perused with regard to calculation of air fares post competitive bidding conducted by the MoCA by inviting certain air carriers, the said air fares have already been paid by these Petitioners to the Haj Committee, which claims to have transferred the said amount to the concerned air carriers. This would mean that the amounts paid have already been credited to the air carriers. So also, with air fares having been calculated on the basis of the competitive bidding conducted by the MoCA, we do not have the expertise to re-calculate the air fares/EP charges, so as to decide whether, the rates are exorbitantly high. With these limitations, we would not be persuaded to accept the prayer of the Petitioners that the amounts charged for EP at Mumbai should be at par with the Aurangabad EP. However, we have no hesitation in concluding, on the basis of the guidelines, that the option to opt for the ‘preferably nearest economical EP’ was available in the guidelines and this option was not extended to these Petitioners. Therefore, they could not shift their preference for the nearest economical EP by taking the Mumbai EP.

17. In view of the above, we are suggesting to the HCoI, to apply it’s mind and implement the guidelines appearing in the

first paragraph on internal page 25, reproduced above, and consider announcement of the EP fare in advance so as to enable the pilgrims to make a choice in terms of the said guidelines ie. 'prefer the nearest economical EP' and if this is not possible in view of the business constraints or commercial constraints, at least, allow them to choose one of the two EPs that they are entitled to mention in the online application form so as to prefer the nearest economical EP.

18. With the above suggestion, **these Writ Petitions are disposed off. Rule is discharged.**

19. At this juncture, the learned Advocates for the Petitioners submit that these Petitioners are not very rich persons, who could afford excess amount of Rs.88,000/-. They could have travelled by railway or even by buses to Mumbai after opting for the Mumbai EP, considering that the current rates of the EP fare at Mumbai is Rs.50,043/- and Aurangabad is Rs.1,40,938/-. They, therefore, pray that they may be permitted to tender a joint representation to the Haj Committee of India in the light of this judgment and pray for an exercise of calculating a *prorata* refund that could be made to these Petitioners.

20. The learned Standing Counsel oppose the request.

21. Since we have already dealt with this issue, we would refrain from making any observation, save and except, that if these Petitioners make a representation to the Haj Committee of India, it has to be left to the Haj Committee of India to consider the same in the light of it's guidelines.

*kps*

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)