

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL)..... Diary No(s).30747/2025

HARRY JOSEPH

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 253721/2025 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS, IA No. 253720/2025 - EXEMPTION FROM FILING O.T., IA No.253719/2025 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 07-11-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Petitioner-in-person

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Permission to appear and argue in person is granted.
2. Delay condoned.
3. The petitioner-in-person, who claims to presently be a law student, has filed the instant writ petition challenging Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 (the 1950 Order), contending that it limits the provision of granting Scheduled Caste status to individuals adhering to the Hindu, Sikh, or Buddhist religion(s) only.
4. We have heard the petitioner-in-person and considered the issues raised in the petition.
5. At the outset, we note that the 1950 Order was issued under

Article 341(1) of the Constitution specifying the castes, races, or tribes deemed to be Scheduled Castes for the purposes of the Constitution, and has been in force for over seven decades. More specifically, the rationale underlying Paragraph 3 of the 1950 Order is that Scheduled Caste reservations were intended to ameliorate the conditions of communities that suffered social and educational backwardness, in a bid to eradicate the practice of untouchability, which was prevalent in that epoch.

6. Given this background, we are of the considered view that the petitioner-in-person, *vide* the instant petition, has failed to point out any material particulars that would necessitate the intervention of this Court.

7. Perhaps the petitioner, who is still studying law, has a rather limited understanding that successfully challenging a constitutional provision requires a demonstration of its actual operation resulting in manifest injustice, not just theoretical objections based on abstract principles.

8. A brief perusal of the contents of the instant petition reflects pleadings that lack clarity, and the absence of any cogent material or substantive argument that would persuade this Court to interfere with a long-standing constitutional provision. Accordingly, we see no reason to strike down Paragraph 3 of the 1950 Order on the vice of unconstitutionality.

9. In any event, the avenue of public interest litigation under Article 32 is an extraordinary remedy meant to provide access to justice for the genuinely aggrieved and often marginalised sections of society. The instant petition, however, unfortunately appears to

be an abuse of this solemn constitutional remedy. Such frivolous invocations not only burden this Court but also delay the disposal of genuine cases where urgent intervention is warranted.

10. To cut a long story short, it seems to us that the petitioner-in-person appears to have approached this Court without adequate preparation or understanding of the complexities involved in the issue, and instead seems to be seeking media attention through this litigation. Ordinarily, such an ill-considered petition would invite cost; however, considering the fact that the petitioner-in-person is a law student, we are refraining from imposing such cost.

11. The Writ Petition is, accordingly, dismissed.

12. Pending applications, if any, also stand disposed of in the above terms.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR