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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.157 OF 2015

Balaji Sudam Kamble
Age-24 years, Occ-Education,
R/o Apegaon, Taluka-Ambejogai,
District - Beed

PETITIONER

VERSUS

- | | |
|---|-------------|
| 1. Scheduled Tribe Certificate Scrutiny
Committee
Aurangabad
Through its Member, | RESPONDENTS |
| 2. Sub Divisional Officer,
Ambejogai, Taluka-Ambejogai,
District-Beed | |

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Mr. S. S. Phatale, Advocate for the petitioner
Mr. P. N. Mule, AGP for respondent State
Mr. K. D. Bade Patil, Advocate for respondent No.1

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[CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, J.J.]

DATE : 8th JANUARY, 2015

ORAL JUDGMENT (PER S.V. GANGAPURWALA, J.):

1. Rule. Rule made returnable. With consent of parties taken up for hearing.
2. Mr. Phatale, learned advocate submits that respondent No. 1 committee has cancelled and confiscated the tribe certificate of

the petitioner, without issuing notice to the petitioner and without hearing him.

3. Mr. Bade Patil, learned advocate for respondent No. 1 Committee submits that the documents on record were explicitly clear and no other view could be possible.

4. It is trite that when any order, adverse to the interest of any party is passed, the principle of *audi alteram partem* is required to be adhered.

5. The impugned order is passed without notice to the petitioner and without hearing the petitioner, such order cannot be sustained.

6. In view of above, we pass following order:

ORDER

i) Impugned order is quashed and set aside.

ii) The petitioner is relegated before respondent No. 1 committee.

iii) Respondent No. 1 committee shall decide said aspect afresh, after hearing the petitioner.

iv) The petitioner shall appear before the committee on 27th January, 2015.

v) Writ petition stands disposed of accordingly. Rule is made absolute in aforesaid terms with no order as to costs.

[V. L. ACHLIYA, J.] [S. V. GANGAPURWALA, J.]