

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 795 OF 2015

Bhaurao s/o Gangaram Chinchalwad,
Age: 59 years, occu. Nil,
R/o. Sundar-Nagar, Nanded.

... PETITIONER

VERSUS

- 1] The State of Maharashtra,
Through Secretary T. D. D.,
Mantralaya, Mumbai-32.
- 2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad.
Through its Vice-Chairman.

... RESPONDENTS

Mr. P.R.Gaike, Advocate i/b Mr. S.M.Kulkarni, Advocate for the Petitioner.
Mr.D.B.Bhange, AGP for Respondent No.1.
Mr. A.B.Tele, Advocate for Respondent No.2.

CORAM : **S. V. GANGAPURWALA and
V.L. ACHLIYA, JJ.**

DATE : 22nd January, 2015.

ORAL JUDGMENT: (Per S. V. Gangapurwala, J.)

1. Rule.

2. Learned AGP waives notice of Rule for Respondent No.1
and Mr.Tele, learned counsel waives notice of Rule for Respondent
No.2.

3. With the consent of the learned counsel appearing for the parties, the petition is taken up for final hearing.

4. The learned counsel for the Petitioner states that the tribe certificate has been cancelled and confiscated without hearing the Petitioner and without notice to the Petitioner.

5. Mr.Tele, learned counsel for Respondent No.2 submits that considering the legal position, the order is rightly passed.

6. It is a settled proposition of law that when an order prejudicial to the interest of any party is passed, principles of natural justice is required to be adhered. In the present matter, the impugned order is passed without notice to the Petitioner and without hearing the Petitioner. Such an order cannot be sustained.

7. In light of the above, we pass the following order:

I. The impugned order is quashed and set aside.

II. The matter is relegated to the Scrutiny Committee.

III. The Committee shall after hearing the Petitioner decide about the said aspect afresh.

IV. The Petitioner shall appear before the Committee on 10th February, 2014.

V. Rule is accordingly made absolute. No costs.

[V.L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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