

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4131 OF 1999

Ankushkar Shankar Pilaji,
Age-Major, Occu:Service,
R/o-Biloli,
C/o-Shri R.G. Kalyankar,
Traffic Inspector, Biloli,
Dist-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
- 2) The Caste Certificate Verification
Committee, M.S. Nashik,
- 3) The Taluka Executive Magistrate,
Biloli, Dist-Nanded,
- 4) The Superintendent of Police,
Nanded.

...RESPONDENTS

...
Mr.A.S. Golegaonkar Advocate for Petitioner.
Mrs. Y.M. Kshirsagar, A.G.P. for Respondent
Nos.1, 3 and 4.
Mr. A.B. Tele Advocate for Respondent No.2.

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WITH

WRIT PETITION NO.4217 OF 1999

Ramesh s/o Vithalrao Girbane,
Age-43 years,, Occu:Service,
R/o-Halgara, Tq-Nilanga,
Dist-Latur.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
- 2) The Caste Certificate Verification
Committee, M.S. Nashik,
- 3) The Taluka Executive Magistrate,
Nanded, Dist-Latur,
- 4) The Assistant Director,
Divisional Agriculture Office,
Latur.

...RESPONDENTS

...

Mr. A.S. Golegaonkar Advocate for Petitioner.
Mr. S.A. Ambad, A.G.P. for Respondent
Nos.1, 3 and 4.
Mr. A.B. Tele Advocate for Respondent No.2.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 8TH APRIL, 2015

ORAL ORDER :

1. Mr. Golegaonkar, the learned counsel for

the Petitioners submits that the proposal in respect of the wards of the present Petitioners were referred to the Committee for verification of their tribe claims. While passing the orders in the said validation proceedings of the wards of the Petitioners, the Committee cancelled the tribe certificates of the Petitioners. According to the learned counsel, the same was without any notice to the Petitioners and without hearing the Petitioners in respect of the said certificates. The learned counsel states that the said orders are illegal, being ex-parte and without the knowledge of the Petitioners and therefore deserves to be quashed and set aside. Learned counsel for the Petitioners relies on the Judgment of the learned Single Judge of this Court in **Writ Petition No.2975 of 1995 (Ku. Smita d/o Sudhakar Chanchalwad vs. The State of Maharashtra and others)** dated 22nd June 1999.

2. Mr. Tele, the learned counsel for

Respondent Committee submits that in fact the Petitioners were prosecuting on behalf of their wards. It is the Petitioners who had led the evidence and as such it cannot be said that the Petitioners were unaware of the said facts. The Committee has rightly cancelled the tribe certificates of the Petitioners relying on the Government Resolution dated 8th June 1988.

3. We have considered the submissions canvassed by the learned counsel for the respective parties and gone through the impugned orders. It is not disputed that proposals in respect of the tribe claims of the Petitioners were not referred to the Committee at any point of time. The proposals of the wards of the Petitioners were referred and while invalidating tribe claims of the wards of the Petitioners, the tribe certificates in favour of the Petitioners were cancelled. The Petitioners ought to have been given notice of the said action being sought to be

taken by the Committee. The Petitioners were unaware of the same. The cardinal principles of natural justice require that when an order adverse to the interest of the party is passed, the party is required to be put to notice and required to be heard. As while passing the final Judgment in the validation proceedings in respect of the tribe claims of the wards of the Petitioners the tribe certificates of the Petitioners are cancelled, the said orders cannot be sustained.

4. In light of above, the impugned orders to the extent of cancelling the tribe certificates of the Petitioners are concerned, are quashed and set aside.

5. In case the Respondent Committee feels that some steps are to be taken in respect of the tribe certificates of the Petitioners, Respondent Committee shall issue notice to the Petitioners and shall follow the principles of natural justice

and procedure laid down by the Statute.

6. Writ Petitions are accordingly disposed of, with aforesaid observations. Rule accordingly made absolute in above terms. No costs.

[A.I.S.CHEEMA, J.]

asb/APR15

[S.V. GANGAPURWALA, J.]