

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 1130 OF 2015

RAM BABAYYA MUDIRAJ

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Amol Chalak h/for Mr. S. B. Talekar

AGP for Respondent State: Mr. P. N. Mule

Advocate for Respondent No2. : Mr. A. B. Tele

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**CORAM : S. V. GANGAPURWALA &
V. L. ACHLIYA , JJ.****DATE : 30th January, 2015****PER COURT :**

1. Heard.
2. Mr. Chalak, learned counsel submits that the tribe certificate has been cancelled on the ground that the certificate does not mention the surname, without hearing the petitioner and without notice to the petitioner. According to the learned counsel, the petitioner could have convinced the Committee about the certificate being legal and proper.
3. Mr. Tele, learned counsel submits that the Committee has rightly passed the order.
4. It is settled proposition of law that when an order prejudicial to the interest of any party is passed, the principles of *audi alteram partem* are required to be followed. In the present case, the impugned order is passed without notice to the petitioner and without hearing to the petitioner. Such orders can not be sustained.
5. In light of the above, the impugned order is quashed and set aside. The Respondent Committee shall, after hearing the petitioner, decide the said

aspect. The petitioner shall appear before the Committee on 11.2.2015.

6. The Writ Petition is accordingly disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC