

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2032/2015

Ujwala Gangadhar Pupale
Age Major, Occu-Service,
R/o : At post Krishnai Green Park,
Gangakhed Road, Parbhani
Tq. & Dist. Parbhani

.. PETITIONER

Versus

- 1] Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
- 2] Executive Magistrate,
Parbhani, Tq. & Dist. Parbhani
(Copies of Respondent No.1 & 2
to be served through office of
Govt. Pleader, Bombay High Court
Bench at Aurangabad)

.. RESPONDENTS

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Mr. S.B. Phatale, Adv. for petitioner
Mr. A.B. Tele, Adv. For respondent no.1
Mr. V.D. Rakh, AGP for respondent no.2

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WRIT PETITION NO.2044/2015

Abhishek Anil bodle
Age 22 years, Occu-Education
R/o : Mayurban Colony, B-9
Shahanurwadi, Aurangabad
Tq. & Dist. Aurangabad

.. PETITIONER

Versus

- 1] Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad

Through its Member Secretary

- 2] Deputy Collector,
Aurangabad
(Copies of Respondent No.1 & 2
to be served through office of
Govt.Pleader,Bombay High Court
Bench at Aurangabad)

.. RESPONDENTS

...

Mr.S.B.Phatale,Adv. for petitioner
Mr.K.D.Bade Patil,Adv. For respondent no.1
Mr.V.D.Rakh,AGP for respondent no.2

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WRIT PETITION NO.2045/2015

Raju Bapurao Chinchalwad
Age 33 years,, Occu-Service,
R/o : At post Manvat, Tq.Manvat
Dist.Parbhani

.. PETITIONER

Versus

- 1] Scheduled Tribe Certificate
Scrutiny Committee,Aurangabad
Through its Member Secretary
- 2] Executive Magistrate,
Udgir, Tq. Udgir,
Dist.Latur
(Copies of Respondent No.1 & 2
to be served through office of
Govt.Pleader,Bombay High Court
Bench at Aurangabad)

.. RESPONDENTS

...

Mr.S.B.Phatale,Adv. for petitioner
Mr.A.B.Tele,Adv. For respondent no.1
Mr.V.D.Rakh,AGP for respondent no.2

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 23rd February, 2015.**

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

1] Rule. Rule made returnable. With consent of parties Petitions are taken up for hearing.

2] Mr. Phatale, learned advocate submits that respondent No. 1 committee has cancelled and confiscated the tribe certificate of the petitioners, without issuing notice to the petitioners and without hearing them.

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 alterm partem* is required to be adhered.

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

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

ORDER

a] Impugned order is quashed and set aside.

b] The petitioners are relegated before respondent No. 1 committee.

c] Respondent No. 1 committee shall decide said aspect afresh, after hearing the petitioners.

d] The petitioners shall appear before the committee on 12th March,2015.

7] Writ petitions stand disposed of accordingly. Rule is made absolute in aforesaid terms with no order as to costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]