

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2185 OF 2015

Sunil Shivsing Sable

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Smt. S. D. Shelke, A.G.P. for Respondent Nos. 1 and 3.

Shri Pravin S. Patil, Advocate for the Respondent No. 2.

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

DATE : 25TH FEBRUARY, 2015.

PER COURT :

. Learned counsel for the petitioner submits that, the impugned order cancelling and confiscating the caste certificate of the petitioner is passed by the respondent No. 2/Committee without even notice to the petitioner. The petitioner was not heard. The same is against the principles of natural justice.

2. The learned counsel for the respondent No. 2/Committee submits that, the order has been rightly passed by the committee considering the place of residence of the petitioner's father and ancestors. No illegality is committed in the same.

3. Minimum principles of natural justice require that, when an order adverse to the interest of the petitioner is being passed, the petitioner is required to be heard. In the present matter, even without issuing notice to the petitioner and without hearing the petitioner, the impugned order has been passed. Such order, which is in flagrant violation of the principles of natural justice cannot be upheld.

4. In the light of that, the impugned order cannot be sustained and required to be set aside.

5. The impugned order is quashed and set aside. The respondent No. 2/Committee shall pass order with regard to the tribe certificate of the petitioner afresh after hearing the petitioner. The petitioner shall appear before the respondent No. 2/Committee on 09.03.2015. As the order is set aside on the ground that the petitioner was not heard, we have not considered the merits of the order. All contentions of the respective parties are kept open. The writ petition is accordingly disposed of. No order as to costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]