

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

WRIT PETITION NO. 2901 OF 2015

Shrikrishna Vitthal Mane

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

Shri Ganesh Vilasrao Patil with Mr. V. U. Jadhava, Advocates for the
Petitioner

Smt. Y. M. Kshirsagar, A. G. P. for the Respondent Nos. 1 and 3

Shri A. B. Tele, Advocate for the Respondent No. 2

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

DATE : 30TH APRIL, 2015.

PER COURT :

1. Mr. Jadhav V. U. the learned counsel submits that, without issuing notice to the petitioner and without hearing the petitioner the Committee has rejected the validation proceedings, by keeping merits open. The learned counsel submits that, petitioner could have satisfied the Committee about the query raised by the Committee.

2. Mr. Tele the learned counsel for the Committee states that, as original certificate itself was not there, the Committee has rightly passed the order.

3. It is cardinal principle of Civil jurisprudence that, when an order adverse to the interest of any party is passed, the principles of 'audi alteram partem' are to be followed. In the present case the order is without notice to the petitioner and without hearing the petitioner. Such an order cannot be sustained.

4. In light of the above we pass the following order -

ORDER

A] The impugned order is quashed and set aside.

B] The petitioner is relegated before the Committee. The Committee upon hearing the petitioner shall decide about the said aspect afresh.

C] The petitioner shall appear before the Committee on 08th June, 2015.

5. Writ Petition disposed of. No costs.

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

[S. V. GANGAPURWALA, J.]