

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3216 OF 2014

Vilas Devising Sable
age: 25 years, occu: student,
R/o Ravala, Post Jamathi
Taluka Soyagaon,
District: Aurangabad

Petitioner

versus

- 1 The State of Maharashtra
through: The Secretary,
Tribal Development Department
Mantralaya, Maharashtra State
Mumbai
- 2 The Divisional Scheduled Tribe
Certificate Scrutiny Committee,
Aurangabad Division, Aurangabad
through: Its Vice Chairman
- 3 The Sub Divisional Officer,
Sillod, District Aurangabad

Respondents.

Advocate for Petitioner : Mr. Nagargoje R.T.
AGP for Respondents: Mrs A.V. Gondhalekar
Advocate for Respondents No.2 : Mr. Patil Pravin S.

...

CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: September 07, 2015

...

ORAL JUDGMENT

(Per: R.M. Borde, J)

- 1 Heard.

2 Rule.

3 With the consent of the parties, petition is taken up for final
decision at admission stage.

4 The petitioner claims to belong Naikada caste, a scheduled
tribe. A certificate issued in his favour has been referred to the
caste scrutiny committee for validation. However, scrutiny
committee has directed cancellation and confiscation of the caste
certificate issued in favour of the petitioner. The scrutiny
committee has taken such decision because, according to the
scrutiny committee, it has not been issued by the proper
authority.

5 It is not a matter of dispute that, the decision has been
rendered by the scrutiny committee, without extending an
opportunity of hearing to the petitioner. Since the adverse
decision, prejudicial to the interest of the petitioner has been
taken, in breach of the principles of natural justice, the decision
taken by the scrutiny committee deserves to be quashed and set
aside and the same is accordingly quashed and set aside. The
matter stands remanded back to the scrutiny committee with a
direction to extend an opportunity of hearing to the petitioner

before rendering any decision.

6 Writ petition is thus allowed. The order impugned in this petition passed by the scrutiny committee on 2.12.2011 is quashed and set aside and the committee is directed to reconsider the issue after extending opportunity of hearing to the petitioner. The petitioner shall cause appearance before the committee on 21.09.2015 and no separate notice requiring his presence before the committee shall be necessary.

7 Rule is made absolute accordingly. There shall be no order as to costs.

(P.R. BORA, J.)

(R. M. BORDE, J.)