

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4625 OF 2015

Harshal Ramakant Thakur,
Age-Minor, Occu:Student,
Through Father & Natural Guardian,
Ramakant Sudhakar Thakur,
Age-38 years, Occu:Service,
R/o-Wadli, Tq-Jalgaon,
Dist-Jalgaon, At present residing at
Bhusaval, Dist-Jalgaon.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32,
- 2) Sub-Divisional Officer,
Bhusaval Division, Bhusaval,
Dist-Jalgaon.

...RESPONDENTS

...
Mr. K.T. Shirurkar Advocate for Petitioner.
Mrs. M.S. Patni, A.G.P. for Respondents.
...

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

DATE : 27TH APRIL, 2015

ORAL ORDER :

1. The Petitioner assails the order dated 4th August 2011 rejecting his application to receive the caste certificate of "Thakur", Scheduled Tribe.

2. The learned counsel for Petitioner states that the impugned order is passed by the Sub Divisional Officer, Bhusaval without notice to the Petitioner and without hearing the Petitioner.

3. We have heard the learned A.G.P. also.

4. In normal course, we would have relegated the Petitioner to remedy of appeal. However, as order is passed without hearing the Petitioner and without notice to the Petitioner, as contended by the Petitioner, the impugned order (Exhibit B) is quashed and set aside. The matter is remitted before the Respondent No.2 for deciding the

application filed by the Petitioner for getting the tribe certificate as belonging to "Thakur" Scheduled Tribe, afresh on its own merits in accordance with law and after hearing the Petitioner.

5. The Petitioner shall appear before the Respondent No.2 on 14th May 2015, at 11.00 a.m.

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

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

asb/APR15

[S.V. GANGAPURWALA, J.]