

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

WRIT PETITION NO. 4087 OF 2015

Prakash Laxman Polsane

.. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri S. M. Vibhute, Advocate for the Petitioner

Smt. Y. M. Kshirsagar, A. G. P. for the Respondent State

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

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

DATE : 13TH APRIL, 2015.

PER COURT :

1) Mr. Vibhute the learned counsel submits that, the tribe certificate of the petitioner is cancelled and confiscated without hearing the petitioner and without notice to the petitioner on the ground of jurisdiction.

2) Mr. Tele the learned counsel for the Committee submits that the documents and facts on record are so explicitly clear that no other view is possible. The Committee has rightly passed the order

3) Whenever an order prejudicial to the interest of any party is passed, adherence to the principle of natural justice is must. In the present case the impugned order is passed without notice to the

petitioner and without hearing the petitioner. The principles of natural justice are transgressed. Such an order can not 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 Committee shall after hearing the petitioner, decide about the said aspect afresh.

C] The petitioner shall appear before the Committee on 30th April, 2015.

D] It is made clear that we have not decided the contentions of respective parties on merits. All contentions in that regard are kept open.

6) Rule according partly made absolute. No costs.

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

[S. V. GANGAPURWALA, J.]