

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

WRIT PETITION NO.4978 OF 2015.

Dinesh S/o Kartarsing Ghoti,
Age 27 years, Occ.Nil,
R/o Rawla Tq.Soegaon,
Dist.Aurangabad. ... Petitioner.

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai-32.
Through its Secretary.

2. The Scheduled Tribe
Certificate Scrutiny Committee,
Aurangabad Division, Aurangabad,
through its Member Secretary.

3. Sub-Divisional Officer,
Sillod, Tq.Soegaon,
Dist.Aurangabad. ... Respondents.

...

Mr.V.U.Jadhav, advocate for the Petitioner.
Mr.U.S.Mote, Asstt. Govt. Pleader for the State.
Mr.A.P.Yenegure, advocate holding for
Mr.P.S.Patil, advocate for Respondent No.2.

...

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

Date : 30.04.2015.

PER COURT :

1. Mr. Jadhav the learned counsel for the petitioner submits that, the validation proceedings in respect of the caste claim of the petitioner is rejected without hearing and without notice to the petitioner, keeping the merits of the claim open. According to the learned counsel if notice would have been issued to the petitioner, petitioner would have been in a position to convince the Committee with regard to the aspect of jurisdiction. Mr. Yenegure, the learned counsel for the Committee submits that, facts on record are so explicitly clear that no other view was possible.

2. We have perused the judgment of the Committee. It is not disputed that, before rejecting the validation proceedings on the ground of jurisdiction the petitioner was not heard nor any notice was issued to the petitioner. It is fundamental and cardinal principle of jurisprudence that whenever an order adverse to the interest of any party is passed the salutary principles of natural justice are required to be adhered. As the impugned judgment is in transgression of the principles of natural justice, the impugned order cannot be sustained.

3. In light of the above, we pass the following order -

ORDER

A] The impugned order passed by the Committee is quashed and set aside.

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

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

4. Writ Petition is accordingly disposed of with aforesaid observations and directions. No costs.

(A.I.S.CHEEMA, J.)

(S.V.GANGAPURWALA, J.)

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With Best Compliments :

Justice Sanjay V.Gangapurwala.

Mrs.Sangeeta Sanjay Gangapurwala.

