

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11869/2014

Padmini W/o Subhash Pitale
Age 38 years, Occ-Household
R/o Savangi (Mhasla)
Post Yeldari Camp
Tq.Jintur,Dist.Parbhani

..PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Tribal Development Department
Mantralaya, Mumbai-32
- 2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad
- 3] The Additional Collector,
Parbhani, Dist.Parbhani
- 4] The Tahsildar,Jintur
Tal.Jintur,Dist.Parbhani
- 5] Block Development Officer
Panchayat Samiti, Jintur
Tal.Jintur, Dist.Parbhani
- 6] Grampanchayat
Savangi-Mhalsa,Post.Yeldari Camp,
Tal.Jintur, Dist.Parbhani.

..RESPONDENTS

...
Mr.S.S.Thombre,Adv. for petitioner
Mrs.S.A.Dhumal,AGP for Respondent State
Mr.K.D.Bade Patil,Adv. For respondent no.2.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 15th January, 2015.

P.C. :

Learned counsel for petitioner seeks leave to delete respondent nos.5 and 6. Leave granted at the risk of petitioner.

2] Mr. Thombre, learned counsel for petitioner submits that the Tribe certificate has been cancelled and confiscated without hearing the petitioner and without notice to the petitioner. Mr.Bade Patil, learned counsel for respondent no.2 submits that the facts on record were so clear that no other view was possible.

3] Mr.Thombre submits that during the pendency of the proceedings, on 1/1/2015, on the basis of the caste certificate being cancelled, the Collector, Parbhani has disqualified the petitioner.

4] Learned AGP submits that as the validity was not there and the caste certificate was cancelled, the Collector has rightly passed order disqualifying the petitioner relying upon the provisions of The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimuktya Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maha.Act.23/2001) and Maharashtra Scheduled Tribes Service Rules, 2003.

5] Whenever an order adverse to the interest of any party is to be passed, the adherence to the principles of natural justice is mandatory. In the present case, caste certificate has been cancelled and confiscated without hearing the petitioner and without notice to the petitioner, such order cannot be sustained.

6] The petitioner has also filed Civil Application No.1207/2015 assailing the order dated 2/1/2015 passed by Collector, Parbhani disqualifying petitioner. The same is also taken on record and considered on merits.

7] In light of above, we pass the following order :

a] The impugned order passed by the Committee cancelling and confiscating tribe certificate of the petitioner is quashed and set aside. The Committee, after hearing petitioner shall decide about said aspect afresh. The petitioner shall appear before the said Committee on 2/2/2015.

b] As the order of the Committee cancelling and confiscating the tribe certificate has been set aside, interalia the order passed by the Collector dated 2/1/2015 disqualifying the petitioner as a member of Grampanchayat, Savangi Mhalsa is also quashed and set aside. The Collector may take further steps depending upon the decision of the Committee in the validation proceedings.

8] Writ Petition as well as Civil Application are disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.