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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7937 OF 2013

Riyazkhan Sarwarkhan Pathan

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

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Mr. V. A. Dhakne, Advocate for the petitioner

Mr. P. N. Mule, AGP for respondent State

Mr. A. B. Tele, Advocate for respondent No.2

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[CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, J.J.]

DATE : 8th JANUARY, 2015

PER COURT:

1. Mr. Dhakne, learned advocate submits that the Sub Divisional Officer has rejected the application filed by the petitioner for issuance of tribe certificate as belonging to Tadvi Schedule Tribe. The petitioner filed appeal before scrutiny committee, the committee, without giving appropriate opportunity of hearing to the petitioner has dismissed the appeal. The petitioner has produced voluminous documents. Even the Circle Officer, after inquiry, had recommended case of the petitioner for issuance of tribe certificate. All these aspects are not considered by the committee.

2. Mr. Tele, learned advocate for the committee submits that even after change of lawyer, notice was issued to the petitioner, however, as the petitioner did not possess necessary evidence, the petitioner choose to remain absent. Learned advocate submits that not a single document shows caste of the petitioner as Tadvī and the committee has not committed any error while deciding the appeal.

3. We have considered the submissions canvassed by learned advocates for the parties. We are not dilating on the aspect whether notice after change of advocate was served on the petitioner or not. The fact remains that the petitioner could not present himself before the committee when the appeal was decided.

4. Considering the above, we are inclined to grant one more opportunity to the petitioner. The impugned order, as such, stands quashed and set aside. The committee shall decide the appeal filed by the petitioner, afresh after hearing the petitioner. The petitioner is entitled to present his case before the committee, afresh. The petitioner shall appear before the committee on 21st January, 2015. It is made clear that we have not considered merits of the submissions of either of the parties.

The committee shall endeavour to decide the appeal expeditiously. Writ petition, accordingly, stands disposed of with no order as to costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]