

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 1812 OF 2015

DATTATRAY PRABHAKAR BAREWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Jadhav Vivek U.
AGP for Respondents: Mrs.S.A.Dhumal.
Advocate for Respondent No.2 : Mr. Pravin S. Patil.

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

DATE : 17th February, 2015.

P.C.:

. Mr.Jadhav, learned counsel for the Petitioner submits that the application for issuance of tribe certificate as belonging to “Koli Mahadev” Scheduled Tribe is rejected by the Sub-Divisional Officer. The appeal filed by the Petitioner before the Committee is also dismissed. The documents on record have not been considered in its correct perspective. Even the validity certificate of the cousin of the Petitioner was also annexed. The same is also not considered. There is no contra evidence on record. The Committee ought to have considered the documents on record and allowed the appeal.

2 Mr.Patil, learned counsel for the Respondent – Committee states that thrice the Committee had issued notices to the Petitioner, but the Petitioner remained absent. The Committee to satisfy itself could have asked some questions to the Petitioner. However, the Petitioner deliberately remained absent. No error is committed by the Committee while dismissing the appeal.

3 We have considered the submissions canvassed by the learned counsel for respective parties. The Committee has observed that thrice notices have been issued to the Petitioner but the Petitioner remained absent and only on the basis of the documents on record the Committee had to decide the said appeal.

4 Considering the fact that the Petitioner was absent before the Committee, we are inclined to grant one more opportunity to the Petitioner to appear before the Committee.

5 In light of the above, we pass the following order:

- I. The impugned order passed by the Committee is quashed and set aside.
- II. The Petitioner is relegated before the Committee in appeal.
- III. The Committee shall after hearing the Petitioner decide the said appeal afresh.
- IV. The Petitioner shall appear before the Committee on 10th March, 2015.
- V. All contentions of the learned counsel for respective parties, on merits, are kept open.
- VI. Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]