

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

WRIT PETITION NO. 9308 OF 2014

Hanumant S/o Pandurang Kalbone,
Age: 26 Years, Occ. Service,
R/o Limbala, Tq. Nilanga, Dist. Latur.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad.
Through its Deputy Director [R],
Aurangabad.
3. The Deputy Collector &
District Rehabilitation Officer Latur,
Dist: Latur.
4. The Divisional Controller,
Maharashtra State Road Transport
Corporation Solapur Division, Solapur.

... RESPONDENTS

Mr. Sunil M. Vibhute, Advocate for the Petitioner.
Mrs. S.A.Dhumal, AGP for Respondent Nos.1 and 3.
Mr. Ashok B. Tele, Advocate for Respondent No.2.
Mr. D.S. Bagul, Advocate for Respondent No.4.

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

DATE : 17th February, 2015.

ORAL JUDGMENT: (Per S. V. Gangapurwala, J.)

1 Rule. Rule made returnable forthwith. With the consent of the learned counsel appearing for the parties, the petition is taken up for final hearing.

2 Mr.Vibhute, learned counsel for the Petitioner submits that the tribe certificate of the Petitioner is cancelled by the Respondent No.2 – Committee without hearing the Petitioner and without notice to the Petitioner on technical grounds. According to the learned counsel, before Petitioner could challenge the said order of the Committee, the Respondent No.4 – employer, terminated the services of the Petitioner vide order dated 1st October, 2014. The leaned counsel submits that the said order is illegal and deserves to be set aside.

3 Mr.Bagul, learned counsel for Respondent No.4 submits that as the tribe certificate itself was cancelled and the Petitioner was appointed from the reserved category, the Respondent No.4 has rightly terminated the services of the Petitioner.

4 Mr.Tele, learned counsel for Respondent No.2 – Committee submits that considering the documents on record, the Committee has rightly cancelled the tribe certificate of the Petitioner.

5 We have considered the submissions canvassed by the

learned counsel for respective parties. Whenever an order adverse to the interest of any party is passed, principles of natural justice are required to be adhered. The Committee has cancelled the certificate without notice to the Petitioner and without hearing the Petitioner. Such an order cannot be sustained. As the order of the Committee is being set aside and the matter is remitted to the Committee, the order of termination of the Petitioner also deserves to be set aside as it is only on the ground that the tribe certificate is cancelled.

6 In the result, we pass the following order:

- I. The impugned order dated 26th August, 2014, passed by the Committee cancelling the tribe certificate of the Petitioner, is quashed and set aside.
- II. The Committee shall after hearing the Petitioner decide about the said aspect afresh.
- III. The Petitioner shall appear before the Committee on 11th March, 2015.
- IV. The impugned order passed by Respondent No.4, terminating the services of the Petitioner dated 1st October, 2014, is quashed and set aside.
- V. The Petitioner shall be reinstated by Respondent No.4 on its original post.

VI. The Petitioner would be entitled for continuity in service, however, will not be entitled for the wages from 1st October, 2014, till the date of this judgment. Of course, the Respondent No.4 can take further steps in tune with the judgment of the Committee.

VII. Accordingly, the Rule is made absolute in above terms. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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