

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1498 OF 2016

Smt. Rekha D/o Laxman Suryawanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH
WRIT PETITION NO. 1501 OF 2016

Chetan S/o Sitaram Suryawanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri A. S. Golegaonkar, Advocate for Petitioners.
Shri V. H. Dighe, A. G. P. for Respondent Nos. 1 to 3.

CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 09TH MARCH, 2016.

PER COURT :-

1. Mr. Golegaonkar, the learned counsel for the petitioners submits that, the Committee has disposed of the validation proceedings in respect of the Tribe Claims of the petitioners as belonging to "Thakur"- Scheduled Tribe on the ground that the Tribe Certificates are not issued by the Competent Authority. The said orders are passed without hearing the petitioners and without notice to the petitioners.

2. The learned A. G. P. states that, the facts on record were so explicitly clear that no other view was possible. The orders are rightly passed.

3. It is the cardinal and fundamental principle that when an order prejudicial to the interest of any party is passed adherence to the principles of natural justice is mandatory. In the present case, the impugned orders are passed without notice to the petitioners and without hearing the petitioners. Such an order cannot be sustained.

4. In light of the above the impugned judgments and orders are quashed and set aside. The parties are relegated before the Committee. The Committee shall after hearing the petitioners decide about the said aspect afresh. The petitioners shall appear before the Committee on 04th April, 2016.

5. The writ petitions are accordingly disposed of. No. costs.

[A. I. S. CHEEMA, J.] [S. V. GANGAPURWALA, J.]

sam/Mar.16