

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

WRIT PETITION NO. 2876 OF 2016

Abdul Khader Meera Sahab

PETITIONER

V E R S U S

The State of Maharashtra, Through its **RESPONDENTS**
Secretary; Social Welfare Department,
Mantralaya, Mumbai - 32 and four others

Mr. S.S. Kazi, Advocate for the Petitioner

Mr. A.G. Magare, A.G.P. for Respondent Nos. 1 to 4 - State

Mr. M.S. Karad, Advocate, holding for

Mr. S.S. Thombre, Advocate for Respondent No.5

**CORAM : A.V. NIRGUDE &
V.L. ACHLIYA, JJ.**

DATE : 25th April, 2016

PER COURT :

1. This petition can be disposed of at this admission stage. By consent of the parties, this petition is taken up for final hearing.

2. This petition challenges order dated 28th January, 2016, passed by respondent no. 2 – Divisional Caste Scrutiny Committee No.2, Aurangabad, Division Latur, holding not only that the petitioner did not prove his claim that he belonged to a particular caste, but they also have an opinion that the Caste Certificate which petitioner had produced and for which the petitioner should be prosecuted etc.

3. The dispute arose mainly because the petitioner got elected as member of Gram Panchayat defeating respondent no. 5 – Mohammad Ibrahim. There upon respondent no. 5 made a complaint to respondent no. 2 that the Caste Certificate of the petitioner was false. This complaint was filed on 6th November, 2015. Respondent no. 2 thereupon assigned this case for police verification. The police reported that the Certificate was not genuine. There upon respondent no. 2 sent a notice to the petitioner to attend their office on 14th January, 2016. On this date, the Committee did not meet, so the meeting was cancelled. Then next date was given 20th January, 2016. But, on that date, the petitioner did not attend the office of the Committee. Respondent no. 5 alone remained present on that date. It is thereafter the impugned order was passed. We are not inclined to examine the merits of the case, but we are of the firm view that in case of such nature when serious allegations are made and serious consequences entail the persons affected must be given an ample opportunity of getting heard. We, therefore, direct respondent no. 2 to hear the petitioner and decide the case afresh. The impugned order is set aside. All parties concerned shall be heard and the decision shall be taken within a period of eight weeks. In view of this, petition stands disposed of accordingly.

(V.L. ACHLIYA, J.)

(A.V. NIRGUDE, J.)