

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.8647 OF 2016

Shaikh Musasab s/o Nabisab,
age: 42 years, Occ: Service,
R/o Ambulga (Bk), Tq. Mukhed,
District Nanded.

Petitioner

Versus

01 The State of Maharashtra,
through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.

02 The Scheduled Tribe Certificate
Verification Committee,
Aurangabad, through its
Deputy Director ®,
Aurangabad.

03 The Deputy Collector, EGS,
Nanded, District Nanded.

04 The Chief Executive Officer,
Zilla Parishad, Beed,
District Beed.

) Respondents No.4 to
}6 stands deleted vide
}Court's order dated
}12.08.2016.

05 The Executive Engineer,
Rural Water Supply Division,
Zilla Parishad, Beed,
District Beed.

)
}
}
}
)
)

06 The Sub Divisional Engineer,
Zilla Parishad Rural Water
Supply Sub Division, Georai,
District Beed.

)
}
}
)

Respondents

Mr.S.M.Vibhute, advocate for petitioner.

Mr.A.B.Girase, Government Pleader for Respondents No.1 to 3.

Names of Respondents No.4 to 6 stands deleted as per the order passed today in this judgment.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 12th August, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Learned Counsel for the petitioner seeks leave to delete Respondents No.4 to 6 from the array of Respondents.

 Leave granted. Respondents No.4 to 6 stand deleted from the array of Respondents.

2 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

3 The petitioner is objecting to the order dated 26.07.2016, passed by Respondent-Scrutiny Committee, directing invalidation of caste certificate issued to the petitioner on the ground that the issuing authority i.e. Deputy Collector, EGS, Nanded, is not competent authority to issue caste certificate.

4 It is recorded in the order by the Scrutiny Committee that the petitioner appears to be permanent resident of Pardhiwada, District Hyderabad and this fact is revealed during preliminary investigation of the case.

5 The contention raised on behalf of the petitioner that before taking impugned decision opportunity of hearing was not given to him, appears to be correct. On perusal of the impugned order, it does reveal that no notice was issued to the petitioner and

that he was not heard before taking impugned decision.

6 Petitioner places reliance on the school record of his father wherein entry in respect of his caste is recorded and the document appears to be of pre-independence period. Had the petitioner been given an opportunity of hearing, he would have pointed out the facts or placed evidence supporting his case.

7 Since the impugned order is issued in breach of principles of natural justice, we quash and set aside the impugned order dated 26.07.2016, passed by the Scrutiny Committee and direct the Scrutiny Committee to extend opportunity of hearing to the petitioner and thereafter take decision afresh in the matter in accordance with provisions of law. Petitioner undertakes to appear before the Scrutiny Committee on 29th August, 2016 and as such, no separate notice, requiring his presence, shall be necessary.

8 Rule is accordingly made absolute. There shall be no order as to costs.

K.L.WADANE
JUDGE

adb/wp864716

R.M.BORDE
JUDGE