

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12492 OF 2015

Amanullah Khan s/o Rasul Khan
Pathan, age: 60 years, Occ: Retired
Government Servant, R/o Hajipura,
Mali Galli, Tq. Dist. Beed.

Petitioner

Versus

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

02 Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad region, through the
Member/Secretary,
Aurangabad.

Respondents

Mr.P.P.Mandlik, advocate for the petitioner.
Mr.M.B.Bharaswadkar, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 19th July, 2016**

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

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

2 The petitioner is objecting to the order passed by the
Scrutiny Committee directing invalidation of caste certificate
issued in favour of the petitioner on the ground that the certificate
has not been issued by the competent authority.

3 The petitioner contends that he is resident of Beed and his father was also resident of Beed district and there is evidence of the year 1948 indicating residence of father of the petitioner in Beed district. The petitioner contends that he has not been extended an opportunity of hearing by the Scrutiny Committee before rejecting his claim for verification of caste certificate.

4 It is not a matter of controversy that before passing the impugned order, petitioner was not extended an opportunity of hearing and the order has been issued by the Scrutiny Committee in violation of principles of natural justice. In this view of the matter, order impugned in this petition, passed by the Scrutiny Committee on 26.08.2014, deserves to be quashed and set aside and the matter needs to be remitted back to the Scrutiny Committee for reconsideration.

5 In the result, order impugned in this petition, passed by the Scrutiny Committee on 26.08.2014, is quashed and set aside and the Scrutiny Committee is directed to take decision on the proposal for verification of caste certificate of the petitioner, as expeditiously as possible, preferably within a period of six months from today.

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

K.L.WADANE
JUDGE

R.M.BORDE
JUDGE