

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4593 OF 2014

Rajendra Deochand Sapkale
Age: 43 years, Occu- Nil,
R/o Vandoli, Tq. Yawal,
Dist. Jalgaon

...PETITIONER

versus

1. The State of Maharashtra
Through the Ministry of
Tribal Development
Mantralaya, Mumbai -32
2. The Director,
Caste Scrutiny Committee,
Nandurbar, Dist. Nandurbar.
3. The Division Controller,
Maharashtra State Road
Transport Corporation, Jalgaon,
At Jalgaon.
4. The Tahsildar, Jalgaon,
At Jalgaon.

...RESPONDENTS

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Mr. Ajay G. Talhar, Advocate for petitioner
Mr. K.N. Lokhande, AGP for respondents No. 1 and 4
Mr. V.M. Mane, Advocate for respondent No. 2
Mr. M.K. Goyanka, Advocate for respondent No. 3

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**CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.**

DATED : 19th AUGUST, 2016.

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

1. Rule. Rule made returnable forthwith and with consent of the parties, the petition is taken up for final hearing at admission stage.

2. The petitioner claims to be belonging to "Tokare Koli" scheduled tribe and has secured tribe certificate from the office of Executive Magistrate Jalgaon, certifying accordingly. On the basis of certificate secured by the petitioner, he has inducted in employment as driver in Maharashtra State Road Transport Corporation, Jalgaon (for short "MSRTC") with effect from 26-11-1999. The tribe certificate issued to the petitioner was referred for verification to the Scrutiny Committee, Nandurbar. The Scrutiny Committee, after perusal of the documents and on consideration of report of the vigilance cell, recorded the finding that certificate obtained by the petitioner was in fact not issued by the office of the Executive Magistrate, Jalgaon and as such certificate has been obtained illegally by playing fraud. The Scrutiny Committee, as such, directed invalidation of the tribe certificate, by order dated 26-06-2013.

2. The petitioner contends that the Scrutiny Committee has neither considered the report of vigilance cell nor has extended opportunity of hearing and proceeded to record adverse findings against him. The petitioner contends that since order has been passed in breach of observance of the principles of natural justice, the same needs to be quashed and set aside.

3. On perusal of judgment, it does appear that petitioner has not been extended opportunity of hearing by the Scrutiny Committee before rendering the decision. The decision rendered by the Scrutiny Committee, since is in breach of observance of principles of natural justice, the same needs to be quashed and set aside. Order passed by

the Scrutiny Committee on 26-06-2013, directing invalidation of the tribe certificate issued in favour of the petitioner is quashed and set aside and the matter is remitted back to the Scrutiny Committee for reconsideration. The petitioner shall appear before the Scrutiny Committee on 31-08-2016 and as such no separate notice requiring his presence before the Scrutiny Committee is necessary. The Scrutiny Committee shall take decision after extending opportunity of hearing to the parties concerned, as expeditiously as possible, preferably within a period of eight months from today. The service of the petitioner has already been terminated by the employer, as such, no directions in that regard needs to be issued.

4. With aforesaid directions, writ petition stands disposed of. Rule is made absolute accordingly.

5. It would be open for the petitioner to avail of remedies, as are available in law in the event of an unfavourable decision by the Scrutiny Committee.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[R.M. BORDE, J.]

MTK
