

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5597 OF 2015

(Bhanudas Patruji Raut vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Dr. R.S. Sundaram, Advocate for petitioner.

Shri S.B. Bissa, Assistant Government Pleader for
respondent nos.1 and 2.

Smt. M. Munshi, Advocate for respondent no.3.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 1, 2016

Petitioner, who has joined employment in 1996 as a Scheduled Tribe candidate questions order dated 25/8/2015 rejecting his caste certificate on the ground that it is not having necessary particulars as expected.

Dr. Sundaram for petitioner contends that the impugned order has been passed behind back of petitioner. According to him, in any case notice should have been given to Authority, which has issued that certificate. He submits that lacuna in original certificate being technical in nature, could have been cured after verification of original record.

Shri Bissa, learned Assistant Government

Pleader for respondent nos.1 and 2 as also Adv. Mushi appearing for respondent no.3 submit that their instructions are still awaited.

We have perused the impugned order. We find substance in the contention of the petitioner. Original records could have been called for and fact whether certificate was issued by competent Authority or not, could have been scrutinized. In any case, impugned order could not have been passed without giving opportunity to petitioner.

Hence, only for this reason, we set aside the impugned order dated 25/8/2015. We direct petitioner to appear before respondent no.2 Committee on 7/9/2016 and to abide by its further instructions in the matter. The Committee shall after extending opportunity of hearing and after calling for original records of certificate issuing Authority, pass fresh order in accordance with law within next three months.

The writ petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

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Kamal H. Jeswani
Private Secretary

Uploaded on :

01/08/2016