

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

WRIT PETITION NO. 11163 OF 2017

Bebisaroja Shesherao Kalempolu .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Mrs. R. P. Gaur, A.G.P. for Respondent Nos. 1 to 3.

WITH

WRIT PETITION NO. 5208 OF 2017

Madhav Mallu Pupalwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 to 5.

WITH

WRIT PETITION NO. 4303 OF 2017

Raju Gajram Belaywar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

WITH

WRIT PETITION NO. 4304 OF 2017

Sarita Vijaykumar Tammadwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 and 5.

WITH
WRIT PETITION NO. 4305 OF 2017

Subhash Gangayya Donkalwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

WITH
WRIT PETITION NO. 4307 OF 2017

Sanjay Anandrao Alpewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

WITH
WRIT PETITION NO. 4310 OF 2017

Sandeep Vijaykumar Tammadwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 and 5.

WITH
WRIT PETITION NO. 4313 OF 2017

Laxman Vitthal Kankawar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri S. B. Pulkundwar, Advocate for Respondent Nos. 4 and 5.

WITH
WRIT PETITION NO. 4829 OF 2017

Omprakash Shankarrao Wallamwar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 5.

WITH
WRIT PETITION NO. 4830 OF 2017

Sheshrao Narayan Pentewad .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Mrs. Yogita Kshirsagar, Advocate for Respondent Nos. 4 to 6.

WITH
WRIT PETITION NO. 4970 OF 2017

Shivanna Narsingrao Goskulwar .. Petitioner
Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. B. Pulkundwar, Advocate for Respondent Nos. 4 and 5.

WITH
WRIT PETITION NO. 5525 OF 2017

Rukhma Janardhan Suryawanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Mrs. Yogita M. Kshirsagar, Advocate for Respondent Nos. 4 to 6.

WITH
WRIT PETITION NO. 4315 OF 2017

Bhagwan Nanaji Goskulwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Mrs. Yogita M. Kshirsagar, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4302 OF 2017

Shrirang Rama Konkewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4311 OF 2017

Sudhakar Shivanna Satlawar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri M. K. Goyanka, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4312 OF 2017

Gangayya Devanna Annamwar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Avinash R. Salve, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4314 OF 2017

Anandrao Narayan Palikondwar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Avinash R. Salve, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4316 OF 2017

Rameshwar Ramlu Bhushiwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 & 5.

WITH

WRIT PETITION NO. 4317 OF 2017

Ashok Narayan Aitwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 & 5.

WITH

WRIT PETITION NO. 4318 OF 2017

Subhash Sambanna Kankawar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Mrs. Yogita M. Kshirsagar, Advocate for Respondent Nos. 4 & 5.

WITH

WRIT PETITION NO. 4319 OF 2017

Ramesh Vithalrao Kogurwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Avinash R. Salve, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4320 OF 2017

Satyanarayan Poshetti Koud .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4321 OF 2017

Maroti Maloji Pitlewad .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4364 OF 2017

Vilas S/o Ramlu Kalawar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Avinash R. Salve, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4377 OF 2017

Prabhakar Kishanrao Sheteboinwad
@ Prabhakar Kishanrao Jamadar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri O. B. Boinwad, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 & 5.

WITH
WRIT PETITION NO. 4480 OF 2017

Pravin Madhukarrao Padalwar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
The respondent Nos. 4 and 5 served.

WITH
WRIT PETITION NO. 4481 OF 2017

Pochanna Narsimalu Aitwar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

WITH
WRIT PETITION NO. 4482 OF 2017

Gangadhar Linganna Sudiwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri Ashish B. Shinde, Advocate for Respondent Nos. 4 and 5.

WITH**WRIT PETITION NO. 4484 OF 2017**

Sangeeta Rajareddy Deshattiwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri Nitin S. Kadam, Advocate for Respondent Nos. 4 and 5.

WITH**WRIT PETITION NO. 4485 OF 2017**

Murlidhar Kishanrao Populwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. B. Pulkundwar, Advocate for Respondent Nos. 4 and 5.

WITH**WRIT PETITION NO. 4486 OF 2017**

Parmeshwar Hushanna Zariwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri Ashish B. Shinde, Advocate for Respondent Nos. 4 and 5.

WITH
WRIT PETITION NO. 4488 OF 2017

Suresh Hushenna Zariwad .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

WITH
WRIT PETITION NO. 4861 OF 2017

Nagan Gangaram Yermalwad .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri O. B. Boinwad, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
The Respondent No. 4 served.

WITH
WRIT PETITION NO. 5033 OF 2017

Digambar Ramchandra Tadewad .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri G. K. Muneshwar, Advocate for the Respondent No. 4.

**WITH
WRIT PETITION NO. 5460 OF 2017**

Ramesh Devrao Totawar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13TH SEPTEMBER, 2017.

FINAL ORDER :

. In all these matters tribe/caste certificates of the petitioners are cancelled and forfeited on the ground that, the said certificates are suspicious.

2. The learned counsel for petitioners submit that, said orders are passed without notice to petitioners and without hearing petitioners. The orders violate principles of natural justice.

3. The learned Additional Government Pleader submits that, all these certificates which are cancelled and forfeited are suspicious. Even the Collector has made an enquiry and in majority of cases did not find any record of issuance of said certificates. The learned Additional Government Pleader further

submits that, the Government has constituted a Special Investigation Team (SIT) for verification of the record and about issuance of the said certificates and/or validities and the term of the said SIT is extended by six months, which would come to an end by December 2017.

4. We have considered the submissions canvassed by learned counsel for respective parties.

5. It is a fact that, the orders impugned are passed without hearing petitioners and even without issuing notice to petitioners. The cardinal and fundamental principle of natural justice requires that, if an order adverse to the interest of any party is passed the party is required to be heard. The principles of *audi alteram partem* have been transgressed.

6. In the light of the above, we pass following order.

7. The impugned orders are quashed and set aside. The Scrutiny Committee shall decide about the aspect on the basis of which impugned orders are passed afresh after hearing petitioners and may consider all relevant aspects as it deems fit as per law in the matter before taking any decision. It may also consider the record produced before it by either of the parties. It is made clear that, we have not considered merits of matters, as

the impugned orders are set aside only on the ground of non adherence to principles of natural justice. The writ petitions are disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17