

**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