

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4361 OF 2017

Ramrao Narayan Dantalwad

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Suresh M. Kulkarni & O. B. Boinwad, Advocates for the
Petitioner.

Shri S. B. Pulkundwar, A. G. P. for the Respondent Nos. 1 to 3.

WITH

WRIT PETITION NO. 4467 OF 2017

Santosh Subhan Boinwad

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Suresh M. Kulkarni & O. B. Boinwad, Advocates for the
Petitioner.

Shri S. B. Pulkundwar, A. G. P. for the Respondent Nos. 1 to 3.

Shri S. E. Madne, Advocate for Respondent No. 4.

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

DATE : 21st September, 2017

PER COURT :

1. In 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 A.G.P. submits that, 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.]

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