

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

WRIT PETITION NO. 4309 OF 2017

Ravindra Venkanna Gandamwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 4483 OF 2017

Ganesh Yadavrao Tadewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 4489 OF 2017

Subhash Sayanna Kankawar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner in above matters.

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

Shri M. K. Goyanka, Advocate for the Respondent No. 4 in above matters.

WITH

WRIT PETITION NO. 4984 OF 2017

Ramesh Mahipati Anneboinwad .. 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 M. K. Goyanka, Advocate for the Respondent No. 4.

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

DATE : 13TH SEPTEMBER, 2017.

FINAL ORDER :

. The tribe certificates of these petitioners are cancelled and forfeited on the ground of suspicion. It is the common argument of learned counsel for petitioners that, the impugned orders are passed without notice to the petitioners and without hearing the petitioners.

2. We have heard Mr. Goyanka, the learned counsel for the respondent No. 4/employer and the learned Additional Government Pleader for respondents/State.

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. It would be seen from the orders that before passing the impugned orders no notice was issued to the petitioners, nor the petitioners were heard. The principles of natural justice were not adhered. No order adverse to the interest of the petitioners can be passed without notice and hearing the petitioners.

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

6. 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.

7. In view of the fact that, order of the Committee is set aside the respondent No. 4/employer shall reinstate the petitioners on their original position. However, the petitioners would not be entitled for the salary for the period they were terminated till

their reinstatement. The petitioners shall be reinstated within a period of fifteen (15) days from today. The writ petitions are disposed of. No costs.

8. Parties to act on authenticate copy.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17