

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

WRIT PETITION NO.12461 OF 2017

Rekha Hari Koli .. Petitioner
Age-47 years, Occu-Housewife,
R/o. Dambhurni, Tq. Yawal,
Dist. Jalgaon

Versus

1. The State of Maharashtra .. Respondents
through its Secretary
Tribal Development Department,
Mantralaya, Mumbai
2. Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar,
Through its Member Secretary
3. Collector,
Jalgaon Dist. Jalgaon Tahsildar,
Jalgaon, Dist. Jalgaon
4. Tahsildar,
Jalgaon, Dist. Jalgaon

Mr.Sagar S. Phatale, Advocate for the petitioner
Mr.P.S.Patil, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.
DATED : 11.10.2017**

ORAL JUDGMENT [PER: S.V. GANGPURWALA, J]:

. Rule. Rule made returnable forthwith.

2. Heard finally with the consent of learned counsel for the respective parties.

3. Petitioner claims to be belonging to 'Tokare Koli' Scheduled Tribe. Caste certificate issued to the petitioner by the competent authority came to be referred to the Scrutiny Committee for verification. The Scrutiny Committee, however, has directed invalidation of the caste certificate on the ground that the certificate issued to the petitioner does not appear to have been issued by the office of the Tahasildar, Biloli since there is no entry recorded in the register in respect of issuance of certificate on the relevant date. As such, inference has been drawn by the Scrutiny Committee that the certificate has not been issued by the proper authority and therefore, the Committee proceeded to direct invalidation of the caste certificate. Petitioner contends that she has not been extended an opportunity of hearing by the Committee before taking adverse decision. Had the petitioner been given an opportunity, she could have explained the circumstances and could have persuaded the Committee to take proper view.

4. Since adverse decision has been taken by the Committee without observing principles of natural justice, the same deserves to be set aside. The decision

rendered by the Scrutiny Committee directing invalidation of the caste certificate issued in favour of petitioner is quashed and set aside and the matter stands remitted back to the Scrutiny Committee for taking decision in accordance with the provisions of law and after extending an opportunity of hearing to the petitioner. The Scrutiny Committee shall hear the petitioner and take appropriate decision in observance of the procedure prescribed in that behalf, as expeditiously as possible, preferably within a period of six months from today and, it is accordingly directed. Rule made absolute to the extent specified above. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]