

WRIT PETITION NO.8617 OF 2016

■ ■ ■

■ ■ ■

2. The grievance of the petitioner is that the impugned order is passed without hearing the

petitioner. The date for hearing was fixed on 20.7.2016 at 11 a.m. The notice of the said date of hearing was served upon the petitioner on 20.7.2016 at his native place at 1-30 p.m. On the next day, the advocate of the petitioner had appeared before the Committee. Even submitted written notes but the same are not considered.

3. Learned Additional Government Pleader and Mr.Gastgar, learned counsel for Respondent submit that time and again, the petitioner was intimated about the date of hearing. The petitioner purposefully remained absent. According to the learned Additional Government Pleader, even the petitioner was intimated on his mobile phone.

4. This Court on 10.8.2016 had observed as under :

"On perusal of order passed by the Scrutiny Committee, we are satisfied that in the instant case order directing validation of the caste certificate issued to the petitioner on

the earlier occasion needs to be reviewed by the Scrutiny Committee. While disposing of Writ Petition No.6310/2012 earlier filed by petitioner, this Court directed the Scrutiny Committee to extend an opportunity of hearing to petitioner to satisfy itself as regards desirability of reviewing the matter and the petitioner was further granted liberty to raise appropriate challenge to such decision. It appears that the Scrutiny Committee did not strictly abide by the directions issued by this Court and proceeded to decide the matter. Scrutiny Committee, after recording its decision to review the earlier order, ought to have extended an opportunity of hearing to petitioner to substantiate his contention. Prima facie, we are convinced that in the instant matter, the earlier decision of the Scrutiny Committee directing issuance of validation certificate

needs to be reviewed, however, petitioner shall have to be extended an opportunity to substantiate his contention before the Scrutiny Committee. For this limited purpose, we have issued notice to respondents.

3. In the meanwhile, respondent No.2 shall not take any coercive action on the strength of the decision rendered by the Scrutiny Committee."

5. It appears that the notice of date of hearing fixed on 20.7.2016 was served upon the petitioner on 20.7.2016 only at about 1-30 p.m. Naturally, one can not expect a litigant to remain present on the very same day when the notice is served at his native place.

6. Learned Additional Government Pleader submits that the merits of the matter be considered.

7. As the impugned order is not in adherence to the principles of natural justice,

we are not going into the merits of the matter. When an order adverse to the interest of a party is to be passed, minimum requirement of adherence to the principles of natural justice is mandatory.

8. In light of the above, we set aside the impugned order and relegate the parties before the Committee. The parties shall appear before the Committee on 3.4.2017. The parties shall work out the matter on the said date. As the date has been given of appearance by this Court, it will not be necessary for the Committee to issue notice to the parties. Upon hearing the respective parties and/or their counsel, the Committee shall decide the same on its own merits expeditiously, preferably within three (3) months from the date of appearance.

9. The Writ Petition is accordingly disposed of. No costs.

(SANGITRAO S. PATIL, J.) (S.V.GANGAPURWALA, J.)

asp/office/wp8617.16

