

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

WRIT PETITION NO. 5078 OF 2015

Vaibhav s/o Narayan Nagtilak,
Age 17 years, Occu. : Education,
Minor u/g of his real father
Narayan s/o Uddhav Nagtilak,
Age 52 years, Occu. : Agril.,
R/o Thakar Vasti Yedshi,
Tq. and District Osmanabad. .. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Ministry of Tribal Development
Department, Mantralaya,
Mumbai - 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad Region,
Aurangabad.
3. The Sub Divisional Magistrate,
Osmanabad.
4. Terna Junior Mahavidyalaya,
Osmanabad,
Through its Principal. .. Respondents

Shri Vilas S. Janephalkar, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 09TH JANUARY, 2017.

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Rule. The learned Additional Government Pleader waives notice of rule for respondent Nos. 1 to 3. With the consent of parties taken up for final hearing.

2. Mr. Janephalkar, the learned counsel for the petitioner submits that, the validation proceedings in respect of tribe certificate of the petitioner was referred to the Scrutiny Committee. The Scrutiny Committee without issuing notice to the petitioner and without hearing the petitioner has dismissed the said proceedings on the ground that, the authority who had issued the certificate did not have the jurisdiction. According to the learned counsel, if notice would have been issued to the petitioner, the petitioner would have been in a position to convince its stand.

3. We have also heard the learned Additional Government Pleader for respondent Nos. 1 to 3.

4. Whenever an order adverse to the interest of any party is to be passed, the cardinal and fundamental principles of natural justice are required to be adhered to. In the present matter, the claim of the petitioner is rejected on the ground that the

authority who has issued the certificate did not have jurisdiction. Such an order could not have been passed without issuing notice to the petitioner.

5. In the light of that, the impugned order is quashed and set aside and the parties are relegated before the respondent No. 2/Committee. The petitioner shall appear before the respondent No. 2/Committee on 06.02.2017. The Scrutiny Committee upon hearing the petitioner shall decide the said issue afresh.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Jan. 17