

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

WRIT PETITION NO. 415 OF 2018

Narsing s/o Ashenna Yengantwar

.. Petitioner

Versus

The State of Maharashtra, through
its Secretary, Tribal Development
Department, Mantralaya, Mumbai
and ors.

.. Respondents

Mr S.M. Vibhute, Advocate for petitioner

Mr A.S. Shinde, A.G.P. for respondents 1 to 3

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 11th January 2018

PER COURT

The tribe certificate of the petitioner is cancelled and forfeited on the ground that the said certificate is suspicious.

2. The learned Counsel for petitioner submits that said orders are passed without notice to petitioner and without hearing the petitioner. The orders violate principles of natural justice.

3. The learned Assistant Government Pleader submits the certificate which is cancelled and forfeited is suspicious. Even the Collector has made an enquiry and in majority of cases did not find any record of issuance of said certificate. The learned Assistant 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 certificate and/or validity and the term of the said SIT was extended by six months and came to an end by December 2017.

4. We have considered the submissions canvassed by Counsel for respective parties.

5. It is a fact that the impugned order is passed without hearing the petitioner and even without issuing notice to petitioner. 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 the following order.

7. The impugned order is quashed and set aside. The Scrutiny Committee shall decide about the aspect on the basis of which impugned order is passed afresh after hearing the petitioner 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 order is set aside only on the ground of non adherence to principles of natural justice.

8. Writ Petition is disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)