

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

**WRIT PETITION NO.9852/2018**

Mangala Arun Solunkhe @  
Mangala Vinod Tayde,  
Age 32 years, Occu-Household,  
R/o Kathora, Tq. Yawal  
District Jalgaon.

.. PETITIONER

Versus

- 1] The State of Maharashtra,  
Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai
- 2] Scheduled Tribe Certificate  
Scrutiny Committee, Nandurbar,  
Through its Member Secretary.
- 3] The Tahsildar,  
Yawal, District.Jalgaon.

(copies of Respondent No.1 to 3  
to be served through office of Govt.  
Pleader,Bombay High Court  
Bench at Aurangabad)

.. RESPONDENTS

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Mr.Phatale Sagar S. Advocate for petitioner  
Mr.P.S.Patil, AGP for respondents.

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**CORAM : R.M.BORDE &  
MANGESH S. PATIL,JJ.  
DATE : 29/08/2018**

**ORAL JUDGMENT [PER R.M.BORDE,J.] :-**

Heard. Rule. With the consent of the parties petition is taken up for final disposal at the stage of admission.

2] The petitioner claims to be belonging to Tokre Koli (Scheduled Tribe) and she is elected member of village panchayat Kasva, Tq.Yawal, Dist.Jalgaon. The tribe certificate issued to the petitioner was referred for validation to the Scrutiny committee. The Scrutiny Committee, however without extending opportunity of hearing to the petitioner, directed confiscation and cancellation of the certificate. It is observed by the committee that the certificate has not been obtained by the petitioner in observance of the procedure prescribed for issuance of the certificate and *prima facie*, the Scrutiny Committee as such has recorded finding that the certificate itself is fake one. The conclusions drawn by the Scrutiny Committee in the absence of the petitioner are liable to be set aside. Since the conclusion drawn by the Scrutiny Committee is against the interest of the petitioner without observing principles of natural justice, the same is liable to be set aside and is accordingly set aside.

3] The matter stands remitted back to the Scrutiny Committee

for reconsideration. The petitioner shall appear before the Scrutiny Committee for on **6<sup>th</sup> September 2018** and as such no separate notice requiring her presence before the Scrutiny Committee shall be necessary.

4] The Scrutiny Committee shall pass appropriate order after extending opportunity of hearing to the petitioner and in observance of the procedure prescribed in that respect, as expeditiously as possible preferably within 6 months from the date of appearance of the petitioner.

5] With the directions as above, Writ Petition is disposed of. Rule is made absolute as specified above. There shall be no order as to costs.

(MANGESH S. PATIL,J.) (R.M.BORDE,J.)

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