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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7581 OF 2018**

Sunil s/o Dharba Yellewad

.....Petitioner

V/s.

The State of Maharashtra and others

.....Respondents

Mr. S. B. Talekar a/w Mr. O. B. Boinwad for the petitioner

Mr. A. A. Kumbhakoni AG a/w Mr. M. M. Pabale AGP for respondent  
State

Mr. Bembalge Vijaykumar a/w Mr. Nayyim Shaikh Law Officers

**CORAM : SHANTANU KEMKAR AND  
NITIN W. SAMBRE, JJ.****DATE : JULY 26, 2018.****P.C.**

Impugned in the petition is the order dated 30/06/2018 wherein the claim of the petitioner belonging to 'Koli Mahadev' came to be negated after he was served with show cause notice based on Vigilance Cell Report and was called upon to appear on 27/06/2018 alongwith explanation for hearing.

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2 The learned counsel for the petitioner submits that the oldest entry in his favour is of his grandfather, which is 16/06/1945, about his father of 14/06/1979 as such, he should have been granted validity.

3 The Committee, in response to the aforesaid observed that in the Vigilance Cell Report, father's entry of 14/06/1979 was found to be tampered.

4 The fact remains that perusal of the record depicts that the petitioner was unable to submit his detailed explanation, as he was not granted sufficient notice period as provided under Sub-rule (8) of Rule 12 of Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003. In the aforesaid background, since there appears to be denial of opportunity of hearing, the petition, in our opinion, needs to be allowed.

5 The impugned order dated 30/06/2018 is quashed and set

aside. The petitioner to treat the order impugned as show cause notice and shall submit his explanation by 31/10/2018. The Committee shall make every endeavour to decide the claim of the petitioner by 31/01/2019.

6 As such petition is partly allowed.

**[NITIN W. SAMBRE, J.]**

**[SHANTANU KEMKAR, J.]**