

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1036 WRIT PETITION NO.1157 OF 2007

SURAIYYA BEGUM MOHD KHADIR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Mr. Sagar Phatale, Advocate holding for
Mr. S.C. Yeramwar, Advocate for the petitioner.
Mr. P.S. Patil, A.G.P. for the State/respondent Nos.1 to 3.
Mr. S.T. Shelke, Advocate for respondent No.4.
Mr. S.G. Munde, Advocate for respondent No.5.

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CORAM : S.V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.

DATE : 13 December 2019.

PER COURT :-

1. Heard learned Counsel for the parties. A limited grievance is raised in this petition that in the matter of validation of caste certificate of the petitioner, hearing was conducted on 12.12.2006, thereafter original record was received and produced before the Committee on 07.02.2007. Consequent to this no hearing was given to the petitioner, as a result of which the entire procedure is vitiated. This position is not disputed.

2. Since the principle of natural justice has not been followed and inasmuch as after receipt of the additional

documents, the petitioner was not given hearing, the impugned order is set aside and the matter is remanded to the Caste Scrutiny Committee for decision according to law.

3. The petitioner will appear before the Scrutiny Committee on 2nd January 2020. The Scrutiny Committee, consequent to the appearance of the petitioner, may accept the reply of the petitioner and shall decide the caste claim as early as possible and not later than six (06) months after appearance of the petitioner.

5. Rule is made absolute in above terms. No order as to costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)