

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

WRIT PETITION NO. 3249 OF 2014

Abhiman Ramdas Salunkhe
Age: 50 years, Occu.: Service,
R/o Village Shendani,
At Post Wadki, Tq. Chopda,
Dist. Jalgaon.

..PETITIONER

VERSUS

1. State of Maharashtra
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe
Certificate Scrutiny Committee,
Nandurbar Region, Nandurbar,
Dist. Nandurbar
3. The Education Officer (Secondary),
Zilla Parishad, Jalgaon
4. The Head Master
Nutan Madhyamik Vidyalaya,
At Shendani Post Wadki,
Tq. Chopda, Dist. Jalgaon

..RESPONDENTS

....

Mr. Anandsing Bayas, Advocate for petitioner
Mr. A.S. Shinde, A.G.P. for respondent no.1 – State
Mr. V.M. Maney, Advocate for respondent no.2

....

**CORAM : SUNIL P. DESHMUKH AND
R.G. AVACHAT, JJ.**

DATED : 11th MARCH, 2019

ORAL JUDGMENT (PER : SUNIL P. DESHMUKH, J.)

Rule. Rule made returnable forthwith and petition is heard finally by consent of learned Counsel for the parties.

2. After hearing learned Counsel it transpires that Respondent No.4 had initially sent the caste certificate issued by the competent authority in favour of the petitioner to Divisional Caste Scrutiny Committee instead of sending it to Scheduled Tribe Scrutiny Committee. Thereafter the Head Master had recalled the proposal from Divisional Caste Scrutiny Committee for its submission to the Scheduled Tribe Scrutiny Committee. Accordingly, after the return of tribe certificate by Divisional Caste Scrutiny Committee, the employer appears to have submitted the claim of the petitioner around July, 2013 to Scheduled Tribe Scrutiny Committee. Learned Counsel contends that thereafter no notice had been received at the end of the petitioner or about further progress in respect of verification of tribe certificate. On 21st October, 2013 an order had been issued purporting to reject the claim for want of material on record.

3. The petitioner's contention about no notice had ever been issued to him appears to carry lot of substance as the record which has been verified by learned Counsel for the parties does not depict the same. It

does not appear that before passing impugned order any communication had been issued to the petitioner.

4. Impugned order appears to have passed without giving proper opportunity to the petitioner. In the circumstances, the order appears to be in contravention of principles of natural justice. Same is, therefore, set aside.

5. The proposal of the petitioner is restored with the concerned Scrutiny Committee for consideration afresh of the tribe claim of the petitioner. Since the matter has been pending from a long time, the scrutiny committee shall consider the proposal expeditiously and dispose of the same by following due procedure on its own merits preferably within a period of six months from date of receipt of this order. Record be sent back forthwith. It appears that interim relief is operating in terms of prayer clause (E). The same shall continue to operate till disposal of the claim by the committee.

6. Rule is made absolute. Writ petition is disposed of accordingly.

(R.G. AVACHAT, J.)

(SUNIL P. DESHMUKH, J.)

SSD