

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

195. **WRIT PETITION NO. 13641 OF 2019**

Sopan Devchand Dhade R/o Korhala

...Petitioner

VERSUS

The State of Maharashtra and others

...Respondents

Mr. Sagar S. Phatale, Advocate for petitioner

Mr. S.B. Yawalkar, Asstt. Govt. Pleader for respondents No.1 to 3

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

DATE : 9th December, 2019

PER COURT :

1. Mr. Phatale, learned Counsel for the petitioner, submits that the tribe certificate of the petitioner is cancelled and forfeited on the ground that the certificate is suspicious. Said conclusion is arrived at by respondent No.2 - Scheduled Tribe Certificate Scrutiny Committee, Nandurbar, on the report of the Vigilance Cell. The learned Counsel submits that the petitioner was never served with the copy of the report of the Vigilance Cell nor any notice was given to the petitioner before passing the impugned order.

2. We have heard the learned Asstt. Govt. Pleader, who submits that in view of the report of the Vigilance Cell as the tribe certificate itself was suspicious, the same has been cancelled and forfeited.

3. It is cardinal and fundamental principle of the civil jurisprudence that if any order adverse to the interest of the party is to be passed, the principles of natural justice are required to be adhered .

4. From perusal of the impugned judgment, it is manifest that the petitioner was not called upon before passing the impugned judgment.

5. As contended by the petitioner, the petitioner was not issued with the copy of the vigilance report nor was issued notice by the Committee before passing the impugned judgment.

6. In the light of that, the impugned judgment is quashed and set aside. The parties are relegated before respondent No.2-Committee. The petitioner shall appear before respondent No.2 on 18th December, 2019. The Committee shall give copy of the vigilance report to the petitioner, obtain his say and, after hearing the petitioner, decide it on its own merits.

7. The writ petition is accordingly partly allowed. No costs.

(AVINASH G. GHAROTE)
JUDGE

Madkar

(S.V. GANGAPURWALA)
JUDGE