

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

WRIT PETITION NO.1344 OF 2012

**NAJIULLAHA KHAN FATAHULLA KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Shri Arun H. Koralkar
AGP for Respondent No.1 – State : Shri S. N. Kendre
Advocate for Respondent No.3 : Shri U. B. Bondar
...

**CORAM : SUNIL P. DESHMUKH AND
B. U. DEBADWAR, JJ.**

DATE : 13th JANUARY, 2020

PER COURT :

1. Heard learned counsel for petitioner and Assistant Government Pleader as well as learned counsel for respondents.
2. Order dated 11-01-2012 passed by Respondent No. 2 – the Scheduled Tribe Certificate Scrutiny Committee, Aurangabad shows that before the order had been passed tribe certificate of petitioner's father issued in 1991 has not fallen for consideration.
3. It is contended on behalf of petitioner that order had been passed oblivious of tribe certificate of father and its place of issue and without calling upon petitioner to explain his position in respect of considerations which went into making of the impugned order.

4. In view of aforesaid, we deem it appropriate that petitioner be given an opportunity to be heard in the matter and also to place on record the tribe certificate issued in favour of his father, if it is not on record before the Committee.

5. In view of the aforesaid, impugned order is set aside and the matter is restored with Respondent No.2 – Committee giving opportunity to be heard.

6. It is pointed out that interim relief has been granted in the petition. The same may be continued till the decision of Respondent No.2 – the Scheduled Tribe Certificate Scrutiny Committee.

7. Petitioner may appear before the Committee on 03-02-2020.

8. Writ petition is disposed of accordingly.

(B. U. DEBADWAR, J.)

(SUNIL P. DESHMUKH, J.)

SVH