

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12994 OF 2018

SARLA HARISCHANDRA TAWADE ALIAS
SARLA W/O SUNIL KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. S.R. Barlinge, Advocate for petitioner
Mr. S.P. Sonpawale, AGP for respondent - State
...

CORAM : SUNIL P. DESHMUKH &
ABHAY AHUJA, JJ.
DATE : 24-02-2021

ORDER :

1. After hearing learned counsel for the parties, the impugned order dated 15-11-2018 passed by respondent no. 2 – Scheduled Tribe Certificate Scrutiny Committee, Nandurbar would depict that while petitioner had been issued notice for hearing on 30-10-2018, the same, according to petitioner, has been received at her end only after said date has been over i.e. on 01-11-2018. The order does not refer to as to any verification about service of notice on the petitioner. It is also not the case that petitioner had ever been heard in the matter nor averment to aforesaid effect in the petition has been countered.

2. In view of the same, decision rendered by respondent no. 2 – Scheduled Tribe Certificate Scrutiny Committee, Nandurbar does not satisfy the underlying purpose of principles of natural

justice *viz; audi alteram partem*. While such a situation emerges, the order appears to have been rendered infirm on that count.

3. In the circumstances, we deem it appropriate to set aside impugned order dated 15-11-2018 passed by respondent no. 2 – committee and direct the committee to proceed with the matter from the stage subsisting before 30-10-2018. Impugned order is set aside. The proceedings are revived from the stage referred to above. The committee to decide the proceedings within a period of eight weeks from the date of receipt of writ of this order.

4. Petitioner to appear before the committee on 09-03-2021 without insisting upon a separate notice and shall keep track of the further dates in the matter before the committee.

5. Having regard to peculiar circumstances, operating interim order to continue until the decision by respondent no. 2 – committee.

6. Writ petition is disposed of.

[ABHAY AHUJA]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

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