

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

925 WRIT PETITION NO.1522 OF 2022

**YOGITA RAMESH BAVISKAR
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...
Advocate for the petitioner : Mr.S.S.Phatale
AGP for Respondent-State : Mr.S.P.Tiwari

...
**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 02.02.2022

P.C. :

1] The tribe certificate of the petitioner is cancelled and forfeited on the ground of territorial jurisdiction.

2] The learned counsel for the petitioner submits that said order is passed without notice to the petitioner and without hearing the petitioner. The order violates principles of natural justice.

3] We have heard the learned AGP.

4] It is a fact that the order impugned is passed without hearing the petitioner and even without issuing notice to the petitioner. The cardinal and fundamental

principle of natural justice requires that if an order adverse to the interest of any party is passed the party is required to be heard. The principles of *audi alteram partem* have been transgressed.

5] In the light of the above, we pass following order.

6] The impugned order is quashed and set aside. The Scrutiny Committee shall decide about the aspect on the basis of which impugned order is passed afresh after hearing the petitioner and may consider all relevant aspects as it deems fit as per law in the matter before taking any decision. It may also consider the record produced before it by either of the parties. It is made clear that we have not considered merits of the matter, as the impugned order is set aside only on the ground of non adherence to principles of natural justice. The Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC