

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

WRIT PETITION NO. 4056 OF 2022

Arun Dharmasing Mahale
Age : 41 years, Occu. Service
R/o Sawai Mukati, Tq. Shindkheda
Dist. Dhule.
At present Ganesh Nagar, Co-operative Society,
Flat No. 11, B No. A1, Opp. Bhelke
Nagar, Kothrud, Pune .. Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar Division,
Nandurbar, through its Member Secretary .. Respondent

Mr. Mahesh S. Deshmukh, Advocate for the Petitioner.
Mr. S. B. Yawalkar, Addl. G. P. for Sole Respondent.

**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATED : 25th APRIL 2022.

ORAL JUDGMENT (PER R. D. DHANUKA, J.) :-

. Rule. The learned A.G.P. waives service for the respondent. Rule made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India the petitioner has impugned the show cause notice dated 26.11.2021 issued by the respondent scrutiny committee and also the order dated 08.04.2022 passed by the committee cancelling the earlier

tribe validity certificate issued in favour of the petitioner.

3. The case of the petitioner is that though the matter was not listed on board before the committee, the impugned order dated 08.04.2022 came to be passed recalling and cancelling the earlier tribe validity certificate issued in favour of the petitioner.

4. Per contra, the case of the learned Addl. G. P is that though the matter was on board, the petitioner did not attend the matter when the matter was called out.

5. Without going into the allegations and counter allegations of both the parties as to whether the matter was on board or not before the committee or whether though the matter was on board the petitioner did not appear, the fact remains that the impugned order is passed without hearing the petitioner.

6. Mr. Deshmukh, learned counsel for the petitioner on instructions states that the petitioner would appear before the committee in response to the show cause notice without prejudice to the rights and contentions challenging the jurisdiction of this committee and would argue the matter before the committee. Statement is accepted.

7. The impugned order dated 08.04.2022 passed by the committee

is accordingly quashed and set aside. The show cause notice is restored to file. The petitioner to remain present before the committee on 10.05.2022 at 11.00 a.m. The committee shall decide the matter afresh without being influenced by the observation made and the conclusion drawn in the impugned order dated 08.04.2022. The petitioner is allowed to raise the issue of jurisdiction before the committee in issuing the show cause notice. The order shall be passed by the committee within six weeks from the date of first appearance of the petitioner. The order that would be passed shall be communicated to the petitioner within one week from the date of passing of order. If the order is adverse against the petitioner, no coercive steps shall be taken for a period of three weeks from the date of communication of the order.

8. Writ petition is disposed of in aforesaid terms. Rule is made absolute accordingly. No order as to costs.

9. Parties to act upon the authenticated copy of this order.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE

PS.B.