

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

WRIT PETITION NO. 4877 OF 2022

Sharad Chindha Mahale

Age : 45 years, Occu. : Service

R/o. Sawai Mukati, Tq. Shindkheda

Dist. Dhule

.. Petitioner

Versus

1. Scheduled Tribe Certificate

Scrutiny Committee,

Nandurbar Division,

Nandurbar

Through its Member Secretary

2. Maharashtra State Road Transport

Corporation

Dhule Region, Dhule

Through its Divisional Controller

.. Respondents

Mr. M. S. Deshmukh, Advocate h/f Mr. Umesh B. Gite, Advocate for the
Petitioner.

Mr. A. R. Kale, AGP for Respondent No. 1.

Mr. B. S. Deshmukh, Advocate for Respondent No. 2.

**CORAM : R. D. DHANUKA &
ANIL L. PANSARE, JJ.**

DATED : 10th JUNE 2022.

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

. Rule. The learned A.G.P. waives service for respondent No. 1. Mr. Deshmukh, learned counsel waives service for respondent No. 2. Rule is made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India the petitioner has impugned the order dated 08.04.2022 thereby cancelling the earlier tribe validity certificate as well as tribe certificate issued in favour of the petitioner by the respondent No. 1.

3. Mr. Deshmukh, learned counsel for the petitioner tenders a copy of the judgment dated 25.04.2022 delivered by the Division Bench of this Court in Writ Petition No. 4056 of 2022 in case of Arun Dharmasing Mahale Vs. Schedule Tribe Certificate Scrutiny Committee and submits that in this case also the respondent No. 1 committee has recalled the caste validity certificate ex-parte and without giving any opportunity of hearing to the petitioner. He submits that the similar order be passed by this Court which was passed by this Court in the said Writ Petition No. 4056 of 2022.

4. The learned A.G.P. for the respondent No. 1 and learned counsel for respondent No. 2 could not distinguish the said judgment dated 25.04.2022 and could not dispute that the impugned order cancelling the caste validity certificate of the petitioner has been passed ex-parte.

5. The impugned order is the common order. The said order has been set aside by the said judgment dated 25.04.2022 in so far as Arun Dharmasing Mahale is concerned. In our view, the judgment dated

25.04.2022 delivered by the Division Bench of this Court would apply to the facts of this case.

6. The learned counsel for the petitioner on instructions states that, the petitioner would appear before the committee at Dhule 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. We accordingly pass the following order :-

(a) The impugned order dated 08.04.2022 annexed at page no. 30 of the writ petition is quashed and set aside. The show cause notice is restored to file. The petitioner to remain present before the committee on 20.06.2022 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 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 authenticate copy of this order.

(ANIL L. PANSARE)
JUDGE

(R. D. DHANUKA)
JUDGE

PS.B.