

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1726 OF 2022

Ashok Rambhau Mohod,
Age 52 years, Occ. - Agriculturist,
R/o. Asara, Tq. Bhatkuli,
Dist. Amravati.

.... **PETITIONER**

// **VERSUS** //

- 1) The Collector, Amravati,
Tq. And Dist. Amravati.
- 2) District Caste Certificate
Scrutiny Committee, Amravati,
Tq. & Dist. Amravati.
- 3) Sub-Divisional Officer, Amravati,
Tq. & Dist. Amravati.

.... **RESPONDENTS**

Mr. N.A. Gawande, Advocate for the petitioner.
Mrs. N.P. Mehta, Assistant Government Pleader for respondents.

**CORAM : SUNIL B. SHUKRE AND
VALMIKI SA MENEZES, JJ.**

DATED : 06.09.2022

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally
by consent of the learned counsel appearing for the parties.

2. With the assistance of the learned counsel for the petitioner, we have gone through the copies of the notices alleged to be sent and served upon the petitioner. We have also gone through the reply-affidavit filed on behalf of respondent No.2. The reply admits that out of these three notices, two notices were issued to wrong persons. However, the reply also shows that there was one notice issued to the petitioner but, the reply does not show that there was available any proof of receipt of the notice by the petitioner. That apart, notice dated 09.01.2020 issued to the petitioner does not fix any date of hearing or attendance to be made by the petitioner. It is thus clear that the order which is impugned here has been passed without giving any opportunity of hearing to the petitioner. Such an order cannot stand the scrutiny of law.

3. The Writ Petition is, therefore, allowed and the impugned order dated 20.01.2022 passed by the respondent No.2 is hereby quashed and set aside.

4. The matter is remanded back to the respondent No.2 for fresh consideration and decision, in accordance with law.

5. The Scrutiny Committee shall decide the matter in accordance with law, as expeditiously as possible and preferably within

six months from the date of appearance of the petitioner before the Scrutiny Committee. The petitioner shall appear before the Scrutiny Committee on **14.09.2022**.

Rule is made absolute in the above terms. No costs.

(VALMIKI SA MENEZES, J.)

(SUNIL B. SHUKRE, J.)

Kirtak