

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1611 OF 2021

Ganesh s/o Ramdas Bansod
@ Bansode, a/a 45 years,
occupation : service, permanent
r/o Chikhali, Taluq Risod,
District Washim.

... Petitioner

- Versus -

- 1) State of Maharashtra, through
the Secretary, Social Welfare
Department, Mantralaya,
Mumbai – 32.
- 2) Scheduled Tribe Caste Certificate
Verification Committee, Sana
Building, Chaprashhi Pura, Amravati,
Taluq and District Amravati,
through its Secretary.
- 3) Sarvoday Shikshan Sanstha,
Chikhali, Taluq Risod, District
Washim, through its President.
- 4) Swami Vivekanand Vidyalaya,
Vyad, Taluq Risod, District Washim,
through its Head Master.

... Respondents

Shri C.A. Joshi, Advocate for petitioner.

Shri N.R. Patil, Assistant Government Pleader for
respondent nos.1 and 2.

Shri A.J. Thakkar, Advocate for respondent nos.3 and 4.

CORAM : DIPANKAR DATTA, C.J. AND

NITIN W. SAMBRE, J.

DATED : SEPTEMBER 6, 2022

P.C. :

The petitioner claims to be holding a tribe certificate as belonging to "Thakur" (Scheduled Tribe). The same was referred for verification to the respondent Committee. The respondent Committee vide impugned order dated 31/7/2013 invalidated the same on the ground that same was not issued by the competent Authority.

2) The contention of Shri Joshi, learned Counsel appearing for the petitioner, is that the impugned order was passed without affording opportunity of hearing to the petitioner after report was received from the Vigilance Cell attached to the respondent Committee.

3) The aforesaid submission made by Shri Joshi, learned Counsel for the petitioner, is not controverted.

4) In the aforesaid background, it has to be inferred that the impugned order was passed without hearing the petitioner. Since the impugned order has adverse civil consequences over the right of the petitioner, particularly when he has secured employment against the post reserved for Scheduled Tribe candidate, least that was expected from the respondent Committee was to hear the

petitioner after receipt of the Vigilance Cell's report, which was adverse to the interest of the petitioner.

5) In the result, the impugned order dated 31/7/2013 passed by the respondent Committee is not sustainable and is accordingly quashed and set aside.

Shri Patil, learned Assistant Government Pleader for respondent nos.1 and 2, assures that the Vigilance Cell's report shall be made available to the petitioner within a period of four weeks from today provided the petitioner attends the Office of the respondent Committee.

The petitioner undertakes to submit his reply to the Vigilance Cell's report within a period of six weeks after receipt of the same.

We expect the respondent Committee to hear the petitioner after submission of his explanation to the Vigilance Cell's report and pass appropriate order within a period of four weeks thereafter.

6) The petition stands partly allowed in the aforesaid terms. No costs.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)

khj

