

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

952 WRIT PETITION NO.7049 OF 2023

- 1) Paresh s/o Chotu Thakur,
Age 25 years, Occ. Education.
 - 2) Shital Chotu Thakur,
Age 20 years, Occ. Education,
Both r/o. Balwand Tq. & Dist.
Nandurbar.
- ... **Petitioners.**

VERSUS

- 1) Schedule Tribe Certificate Scrutiny
Committee, Nandurbar, through
its Member Secretary.
 - 2) Assistant Collector @ Sub Divisional
Magistrate Nandurbar Division
Nandurbar
- ... **Respondents.**
- ...

Advocate for Petitioners : Mr. Deshmukh Mahesh S.
AGP for Respondents/State : Mr. S.K. Tambe

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 27.06.2023

PER COURT :

Heard.

2. The petitioners are aggrieved by the fact that their request for issuance of tribe certificate has been turned by the competent authority and even the scrutiny committee has dismissed their appeal.

3. Learned advocate for the petitioner apart from addressing us on

several other aspects submits that the petitioners were not extended sufficient opportunity to substantiate their claim. A specific ground was raised in the appeal memo and even the scrutiny committee has not considered that aspect. The petitioners would, if given an opportunity would approach the competent authority once again to substantiate their claim by leading additional material.

4. Since it is a matter of social status we do not look upon it as an adversarial litigation. If there was a specific ground mentioned in the appeal memo regarding non observance of the principles of natural justice, we deem it appropriate to relegate the petitioners to the respondent-competent authority can be directed to extend an opportunity of leading additional evidence/material to the satisfaction of the petitioners.

5. Without addressing ourselves in respect of the merits of the orders passed by both the authorities, we allow the writ petition partly, quash and set aside both the orders and remand the matter to the respondent-competent authority for decision afresh in accordance with the law but not without extending an opportunity to the petitioners of leading further evidence/material.

6. The petitioners shall appear before the respondent-competent authority on 07.07.2023.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-