

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

935 WRIT PETITION NO.11872 OF 2023

**SUPRIYA MADHAVRAO NILAWAD THROUGH POA
MAROTI BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

...

AND

936 WRIT PETITION NO.11873 OF 2023

**MAROTI BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

AND

937 WRIT PETITION NO.11874 OF 2023

**SUBHASH BALAJI NILAWAD THROUGH POA MAROTI
BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

AND

938 WRIT PETITION NO.11875 OF 2023

**UTTAM SAYAJI NILAWAD THROUGH POA MAROTI
BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

AND

939 WRIT PETITION NO.11876 OF 2023

DATTA BALIRAM NILAWAD THROUGH POA MAROTI
BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

AND

940 WRIT PETITION NO.11883 OF 2023

NAGESH VENKATRAO NILAWAD POA MAROTI
BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

...

AND

941 WRIT PETITION NO.11884 OF 2023

JYOTSNA VENKATRAO NILAWAD THROUGH POA
MAROTI BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

...

AND

942 WRIT PETITION NO.11888 OF 2023

SNEHA VENKATRAO NILAWAD THROUGH POA MAROTI
BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

...

AND

943 WRIT PETITION NO.11892 OF 2023

BHANUDAS BALIRAM NILAWAD THROUGH POA
MAROTI BALIRAM NILAWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

Advocate for the Petitioners : Shri Sunil M. Vibhute
AGPs for Respondents 1 and 2/State : Shri S.K. Tambe, Shri
V.M. Kagne and Shri A.V. Deshmukh

...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 26th September, 2023

Per Court :-

1. The Petitioners have put forth identical prayer clauses B and C as under:-

- “B) *The impugned judgment and order dated 25.08.2023 of Respondent No.2 Committee may kindly be quashed and set aside.*
- C) *Pending hearing and final disposal of this petition, the impugned judgment and order dated 25.08.2023 of Respondent No.3 Committee may kindly be stayed.”*

2. Having considered the submissions of the learned Advocates for the respective sides, we find that there are peculiar facts before us. The competent Committee was dealing with the validity claim of Shivjit Uttam Nilawad. Simultaneously, all

these Petitioners before us were subjected to show cause notices as to why the validity certificates earlier granted to them, should not be cancelled. However, while delivering the verdict in the case of Shivjit Uttam Nilawad, the Committee came to the conclusion that these Petitioners have committed a fraud. Hence, the Committee cancelled the validity certificates earlier issued to these Petitioners, though their reopened independent proceedings were pending.

3. As these Petitioners were said to be related to Shivjit Uttam Nilawad, whose case was being dealt with by the Committee, the fraud noticed in his case was deemed to have consequences on these Petitioners and their validity certificates were cancelled. Further directions were issued to initiate appropriate proceedings against them under Sections 10 and 12 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

4. It does not call for any debate that the principles of natural justice have to be followed and if an adverse order as serious as the one cancelling the validity certificate of a

candidate, which was earlier granted by the competent Committee, is to be passed, it is more than necessary that proceedings should have been initiated against such persons and after granting them a reasonable opportunity of hearing and by following the due procedure laid down in law, the Committee could have drawn its conclusions.

5. In view of the above, **these Writ Petitions are partly allowed.** The impugned orders passed by the competent Committee cancelling the validity certificates of the Petitioners, are quashed and set aside.

6. All these Petitioners would now appear before the competent Committee on 09.10.2023 at 12:00 noon in their respective pending proceedings. Thereafter, they would participate in the reopened proceedings by rendering cooperation and would refrain from seeking adjournments on unreasonable or trivial grounds, lest the Committee would be justified in progressing to the further stages in the proceedings. Needless to state, the principles of natural justice shall be followed. All contentions of the parties are kept open.