

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

947 WRIT PETITION NO.11400 OF 2023

**RAMESHWAR UTTAMRAO MACHEWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

AND

950 WRIT PETITION NO.11403 OF 2023

**RAMKRISHNAHARI SATYANARAYAN MACHEWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

AND

952 WRIT PETITION NO.11405 OF 2023

**PANDURANG MAROTIRAO MACHEWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

AND

01 WRIT PETITION NO. 11496 OF 2023

**BAPURAO MAROTIRAO MACHEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. C. R. Thorat, Advocate for Petitioners

Mr. S. K. Tambe, Mr. P. K. Lakhotiya, Mr. A. V. Deshmukh, AGPs for
Respondent - State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 12.09.2023

PER COURT :-

1. Writ Petition No. 11496 OF 2023 was not on board. At the request of the learned Advocate for the Petitioners, the same is taken on board.

2. The Petitioners have put forth identical prayer clauses (A), (B) and (C) as under:-

“(A) By issuing Writ of Certiorari or any other appropriate writ or direction in the like nature, be please to quash and set aside the Clause No.XI of the Operative Order of the Judgment and Order dated 18/08/2023, passed by the respondent No.4 Scheduled Tribe Certificate Scrutiny Committee, Kinwat Headquarter Aurangabad, Exhibit-A.

(B) Pending Hearing and till Final disposal of this Writ Petition, be pleased to be stay the execution, operation and implementation of the Clause No.XI of the Operative Order of the Judgment and Order dated 18/08/2023, passed by the respondent No.4 Scheduled Tribe Certificate Scrutiny Committee, Kinwat Headquarter Aurangabad.

(C) Pending Hearing and till Final disposal of this Writ Petition, be please to direct the respondent no.2 and 3 not to take any adverse action against the service of the petitioner on the ground of cancellation of his Tribe Validity Certificate vide Clause No.XI of the Operative Order of the Judgment and Order dated 18/08/2023, passed by the respondent no.4 Scrutiny Committee.”

3. 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 claims of Abhishek Ramanand Machewad, Niranjan Uttamrao Machewad and Amit Bramhanand Machewad. While delivering a verdict in these cases, the Committee noticed a fraud committed by these three persons. While dealing with their cases, the Committee cancelled the validity certificates issued to these four Petitioners, who were neither before the Committee, nor were issued with any show cause notice.

4. As these four Petitioners were said to be related to the other three whose cases were being dealt with by the Committee, the fraud noticed in those cases was deemed to have consequences on these four 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.

5. 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 the 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.

6. In view of the above, **these Petitions are allowed** in terms of prayer clause (A) of the respective Petitions. Needless to state, if the Committee desires to initiate any proceedings against any of these Petitioners, they would be at liberty to follow the due procedure laid down in law.

7. Naturally, all the contentions of the parties, are left open.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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