

Chandrashekhar Baburao Jakkewad ... PETITIONER

1. Scheduled Tribe Certificate, Scrutiny Committee, Kinwat (Headquarter at Aurangabad) through its Member Secretary

2. Sub Divisional Officer,
Kinwat, Tq. Kinwat,
Dist. Nanded

... RESPONDENTS

Advocate for Petitioner : Mr. Gite Umesh Babanrao
AGP for Respondents: Mr. A.S. Shinde

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

DATE : 14.09.2023

Heard both the sides.

2. The petitioner is challenging the order dated 01.06.2022 passed by the respondent No.1 - Scrutiny Committee confirming the order passed by the respondent No.2 – Sub Divisional Officer on 15.02.2014.

3. The petitioner belongs to 'Mannervarlu' scheduled tribe. He had submitted an application for issuance of tribe certificate to the respondent No.2. It was rejected by order dated 15.02.2014. Against that an appeal was preferred by the petitioner before the respondent –

Scrutiny Committee. The appeal was dismissed holding that the petitioner was not interested in prosecuting the appeal. There is no decision on merit.

4. The grievance of the petitioner is that he did not receive any notice of hearing. He seeks to rely upon the tribe certificate issued to his cousin brother in pursuance of common order dated 18.07.2023 passed by the High Court which is produced at Annexure-E. He has placed on record other documentary evidence also.

5. We find that an opportunity needs to be given to the petitioner. The Scrutiny Committee has not decided the appeal on merits. It is in the fitness of the things to relegate the party to the respondent No.1 – Scrutiny Committee.

6. We, therefore, partly allow this petition by following order :

- i. The judgment and order dated 01.06.2022 passed by the respondent No.1 – Scrutiny Committee is quashed and set aside.
- ii. The respondent No.1 – Scrutiny Committee shall decide appeal afresh after extending opportunity of hearing to the petitioner.
- iii. Petitioner is directed to appear before the Committee on 26.09.2023 and the committee shall decide the appeal thereafter within three weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)