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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13374 OF 2023

Gangadhar Digambar Jungulwad

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Chandrakant R. Thorat, Advocate for the Petitioner

Mr. P. K. Lakhotiya, AGP for Respondent - State

Mr. Santosh B. Pulkundwar, Advocate for Respondent No.3

.....

[CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.]

DATE : OCTOBER 26, 2023

ORDER :

1. The Petitioner has put forth prayer clauses "A" and "B" 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. VI and VII of the Operative Order of the Judgment and Order dated 07/09/2023, passed by the respondent No.2 Scheduled Tribe Certificate Scrutiny Committee, Kinwat Headquarter Aurangabad, Exhibit-A.

B. Pending hearing and till Final disposal of this Writ Petition, be pleased to stay the execution,

operation and implementation of the Clause No. VI and VII of the Operative Order of the Judgment and Order dated 07/09/2023, passed by the respondent No.2 Scheduled Tribe Certificate Scrutiny Committee, Kinwat Headquarter, Aurangabad."

2. Issue notice to the Respondents. Learned AGP waives service of notice on behalf of Respondents No.1, 2 and 4. Shri. Pulkundwar, learned advocate waives service of notice on behalf of Respondent No.3. Heard with the consent of all the parties.

3. There is no dispute that the Competent Committee was considering claims of Shubham and Shivani, who are biological children of the Petitioner and his niece Rohini Ramesh. Their proposals have been invalidated by the impugned order dated 7th September, 2023. After the Committee noticed fraud in the case of Shubham, Shivani and Rohini, while drawing its conclusions in the said proceedings, validity certificate held by this Petitioner has been quashed and set aside without issuing even show cause notice to the Petitioner.

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 the proceedings could have been initiated against such person and after granting him 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, this petition is allowed in terms of prayer clause (A). Clauses No. VI and VII of the operative Order of the judgment and order dated 7th September, 2023 passed by respondent No.2 Committee are quashed and set aside to the extent of the Petitioner. Needless to state, if the Committee desires to initiate any proceedings against the Petitioner, the Committee would be at liberty to follow the due procedure laid down in law.

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

[Y. G. KHOBRAGADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE