

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12799 OF 2025

Ashwini Babanrao Panhale	...Petitioner
Alias Bhagyashri Dattatray Koli	
<i>Versus</i>	
State of Maharashtra and Ors.	...Respondents

Mr Chintamani Bhangoji, for the Petitioner.
Mr VG Badgajar, AGP, for the Respondent-State.

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**CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.**

DATED: 24TH DECEMBER, 2025.

PC:-

1. The Petitioner is holding a Tribe Certificate certifying that he belongs to Koli Mahadev Scheduled Tribe. He had approached the Caste Validity Scrutiny Committee seeking validation of the caste certificate. However, before any decision could be taken in the matter, the Petitioner had applied for withdrawal of the same. By ignoring such request made by the Petitioner, the Caste Scrutiny Committee had not only proceeded to consider the validity of the certificate but had also passed an adverse order against the Petitioner without, however, giving him any opportunity of being heard.

2. The primary contention of the Petitioner is that once he has made a request to withdraw the Application for validation, the

Scrutiny Committee could not have proceeded with the matter. Even if it is assumed that such a recourse was permissible, even then, according to the Petitioner, he ought to have been given an opportunity of being heard before a final order was passed by the Scrutiny Committee. The same not having been done, according to the Petitioner, the impugned order dated 21st April 2025 passed by the Respondent No.2-Committee is illegal and liable to be declared so on such count alone.

3. In support of his above contention, Mr Bhangoji, learned Counsel for the Petitioner has placed reliance on a similar order passed by this Court (Coram: D.K. Deshmukh & N.D. Deshpande, JJ.) on 31st August, 2010 in WP 4653 of 2010.

4. Mr. Badgujar, learned AGP appearing for the Respondent-State, on the other hand, submits that the question, as to whether the Petitioner can be permitted to withdraw the Application for scrutiny by the Respondent No.2, Committee is a legal issue which would call adjudication by the court. However, he is not disputing the fact that no opportunity of being heard was given to the Petitioner before the impugned order was passed.

5. Responding to the above, the learned Counsel for the Petitioner submits that he is not pressing the first plea but the impugned order dated 21st April 2025, having been issued in flagrant violation of principles of natural justice, the same is unsustainable in law.

6. After hearing the submissions made at the Bar and on perusal of the record, we find that there is no dispute about the

fact that no opportunity of being heard was given to the Petitioner. Therefore, even if the Petitioner gives up the first plea regarding withdrawal of the Application, even then, he would be entitled to proper opportunity of presenting this case before a final order is passed by the Scrutiny Committee, inasmuch as, denying such opportunity to the Petitioner would amount to violation of principles of justice.

7. In view of the above, this Writ Petition, in our opinion, must succeed. The same is, accordingly, allowed.

8. The impugned order dated 21st April 2025 is, hereby, quashed and set aside.

9. The Respondent No.2, Committee is directed to re-consider the Application for validity of Petitioner's Caste Certificate after giving him proper opportunity of being heard in the matter.

10. The Petitioner shall appear before the Respondent No 2 Committee, along with a copy of this order, on 12th January 2026 for doing the needful.

11. Writ Petition stands disposed of accordingly.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)