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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3009 OF 2016

Kavita S. Ghagre

..Petitioner

Versus

The State of Maharashtra and ors

..Respondents.

Mr. R. K. Mendadkar, for the Petitioner.

Mr. V. N. Sagare, AGP for the respondent State.

**Coram : RANJIT MORE &
DR. SHALINI PHANSALKAR JOSHI, JJ.**

Date : 9th MARCH, 2016.

P. C. :

1. Heard learned counsel for the petitioner and learned AGP for the State.
2. By this petition, filed under Article 226 of the Constitution of India, the petitioner seeks to challenge the order dated 25.2.2016 passed by the respondent No.2, Caste Scrutiny Committee, by which the petitioner's Caste Certificate came to be invalidated.
3. The petitioner belongs to Dhanagar Community. She obtained Caste Certificate dated 8.3.2013 from the competent authority. She contested the election and got elected as member of Gram Panchayat Dhalgaon from open category, subsequently she got elected to the post of Sarpanch on the basis of above caste certificate.
4. Respondent No.3 Collector sent petitioner's caste certificate to the respondent No.2 Committee for verification. Respondent No.4

objected for validation of caste certificate of the petitioner. By the impugned order, respondent No.2 invalidated the Caste Certificate, on the ground that the petitioner is migrated from Karnataka State to the Maharashtra State. The petitioner also seeks direction to respondent No.2 to issue certificate of validity in respect of Caste Certificate, issued by competent authority.

5. There is no dispute that the petitioner originally hails from village Shivnur, District. Belgum, Karnataka State and she initially married to Raosaheb Patole in the year 2001. After the death of her husband, she re-married in the year 2004 with Sanjay Ghagare, who is resident of village Dhalgaon, Tal.Kavthemahakal, District: Sangli, which is in Maharashtra State. The Caste Scrutiny Committee relied upon various decisions of this Court as well as Supreme Court and came to the conclusion that the petitioner, who hails from Karnataka State cannot be extended the benefit of Caste in Maharashtra State.

6. The main contention of the petitioner before Caste Scrutiny Committee was that the village Shivnur, District Belgujm falls under Maharashtra Karnataka Border Dispute Area and in view of circular dated 10th July, 2008, issued by Government of Maharashtra, General Administration Department, Mantralya, Mumbai, she is entitled for the benefits of her caste in the State of Maharashtra.

7. We are unable to accept this contention. There is no dispute that there are 865 villages which fall under the Maharashtra

Karnataka Border Dispute Area, The village Shivnur does not find place in the list of said 865 villages. Learned counsel contends that village Shivnur, falls in the Group Village Panchayat of Jambagi and since village Jmabagi is included in the list of 865 villages, the petitioner is entitled for the benefit of above circular. This submission is without any merit inasmuch as the “*revenue village*” and “*village Panchayat*” are two different aspects. Shivnur is a revenue village which might have been included in the village panchayat Jambagi. However, that does not entitle the petitioner to claim any benefit under the said G.R. This point was agitated before the Scrutiny Committee, however, was not accepted.

8. Learned counsel contended that the petitioner has “*domicile*” in the State of Maharashtra, therefore, she is entitled for the benefits in the State of Maharashtra. In this regard, learned counsel relied on the decision in case of **Union of India and others -vs- Dudh Nath Prasad (2000) 2 SCC 20**; wherein Apex Court interpreted the words, “*domicile*” and “*residence*” and held that etymologically residence and domicile carry the same meaning inasmuch as both refer to the “*permanent home*”, but in private international law, “*domicile*” has different connotation.

9. There is no dispute about the proposition of law laid down by the Apex Court. The domicile granted to the petitioner at the most shows that the petitioner is resident of Maharashtra, however, the fact remains that the petitioner is migrated from the Karnataka subsequent to

the cut off date and therefore, she is not entitled to get benefit in the State of Maharashtra.

10. Taking overall view and facts and circumstances of the matter, we find no merit in the case of petitioner. The petition holds no merits and the same is dismissed.

[DR. SHALINI PHANSALKAR JOSHI, J.] [RANJIT MORE, J.]