

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

21 WRIT PETITION NO. 1842 OF 2011

SHWETA VILAS MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Advocate for Petitioner : Mr. Bagul D. S.
Addl GP for Respondents State: Mrs. M. A. Deshpande
Advocate for Respondent University : Mr. A. B. Girase

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 17th January, 2017

ORDER:

1. Mr. Bagul, the learned counsel for the petitioner states that caste claim of the petitioner is invalidated only on the ground that the petitioner's forefathers were resident of Madhya Pradesh and have shifted to Maharashtra only in the year 1984. Petitioner's forefathers are originally resident of Barhanpur, Madhya Pradesh. Mr. Bagul, the learned counsel submits that the Committee ought to have considered the documents placed on record which establish the caste of the petitioner as Mali.

2. Learned AGP submits that as the petitioner is not resident of this region, cannot take benefit of the Mali caste. The learned AGP relies on the judgment of the Division Bench of this Court in Writ Petition No.

9564/2016 dated 16.09.2016.

3. This Court, in Writ Petition No. 9564/2016, under judgment dated 16.11.2016, relying on the earlier judgment of the Constitution Bench in case of State of Maharashtra Vs. Milind and others, reported in (2001) 1 SCC 4 and the judgment of Division Bench of this Court in case of Vishal Ashok Acharya Vs. Scrutiny Committee for Verification of Caste Certificate, reported in 2015(6) Bom.C.R. 589 has held that the person cannot claim benefit in the State of migration.

4. In the light of above, no interference is called for. The petitioner has been admitted to the B.E. (Computer) course with respondent No.4 College in the year 2009-2010. The petitioner has completed the said course. As such, the degree obtained by the petitioner is protected. However, no further benefit shall be claimed by the petitioner in respect of the said reserved caste.

5. Writ petition disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC