

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3926/2017

(SINDHU RAVINDRA DHOKE **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri U.P. Dable, counsel for the petitioner.
 Mrs. H.Prabhu, A.G.P. for the R-1 & 2.
 Shri S.K. Patil, counsel for the R-5.

CORAM : SMT. VASANTI A NAIK AND
A.D. UPADHYE, JJ.

DATE : JULY 17, 2017.

By this writ petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, Nagpur, dated 02.05.2017 allowing the original application filed by the respondent no.5 and directing the respondent no.3 to appoint the respondent no.5 on the post of Police Patil.

The respondent no.3 published an advertisement on 19.06.2015 inviting applications for appointment to the post of Police Patil of village Chandkapur. The post of Police Patil of the said village was reserved for the women belonging to the scheduled castes. The petitioner as well as the respondent no.5 participated in the selection process. The petitioner secured 52 marks as against 51 marks secured by the respondent no.5. The respondent no.3 appointed the petitioner to the post of Police Patil *vide* order dated 20.06.2016. The respondent no.5 made a representation against the appointment of the petitioner on the ground that the petitioner had migrated from the State of Madhya Pradesh and she would not have been entitled to the benefits meant for the scheduled castes in the State of Maharashtra, being a

migrant. Since the representation of the respondent no.5 was not favourably considered, the respondent no.5 filed an original application before the Maharashtra Administrative Tribunal. The Maharashtra Administrative Tribunal allowed the original application filed by the respondent no.5.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that the Tribunal was justified in allowing the original application filed by the respondent no.5 and setting aside the order appointing the petitioner on the post of Police Patil. Admittedly, the petitioner was not an ordinary resident of a place that is included in the State of Maharashtra and was a resident of Madhya Pradesh. The petitioner had secured the caste certificate from the competent authority in the State of Madhya Pradesh. The Full Bench of this Court has clearly held in the judgment reported in **2010(2) Mh.L.J. 904** (*Shweta Santalal Lal Versus State of Maharashtra & Others*) that in case of a migrant belonging to a scheduled caste, who is not an ordinary resident of an area that now constitutes the State of Maharashtra, as on 10.05.1950 would not be entitled to the benefits of reservation meant for the scheduled castes in the State of Maharashtra and he/she would continue to get the benefits of reservation in the State of his/her origin. On an appreciation of the judgment rendered by the Hon'ble Supreme Court as also the Government Resolution, dated 24.08.1995, the Tribunal rightly allowed the original application filed by the respondent no.5. We do not find any fault with the impugned order so as to interfere with the same in exercise of the writ jurisdiction.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

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