

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8248 OF 2018

Sangita Ramchandra Kashid

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Kuldeep T. Pawar for the Petitioner.

Mr. Dheeraj Patil a/w Mr. Drupad S. Patil for Respondent No.7.

Ms. K. N. Solunke, AGP for the Respondent Nos.1 to 3 and 5 & 6.

Ms. Sarika Shetya i/b Mr. S. B. Shetye for Respondent No.4.

CORAM : B. P. DHARMADHIKARI &

SMT. ANUJA PRABHUDESSAI, JJ.

DATE : 10/10/2019.

PC.:

. Though several contentions have been raised we find that the petitioner born on 7/4/1994 has taken education in State of Karnataka. Question before this Court is whether in 1967 her family was domiciled in any area which after state organization continues to be a part of State of Maharashtra.

2. Learned counsel for the petitioner has attempted to show some sale deeds to urge that those documents show the father and the uncle of petitioner to be such residents.

3. We find prima facie that the petitioner has been married in same caste and family of her husband is staying in Maharashtra. Most probably they are domiciled in State of Maharashtra and even residing since 1967 or even before that in Maharashtra.

4. In this backdrop, the question is when husband or even the father or the uncle of petitioner are to be recognized as OBC in State of Maharashtra, that status can be continued to her only because on the cut off date she was not domiciled in said area. This aspect was not raised and has not been looked into by the Committee at all.

5. Caste claim of the petitioner as belonging to Nhavi OBC has been invalidated and thereafter her election also has been cancelled. As such there is no question of the petitioner occupying any reserved post with that status.

6. We in this situation quash and set aside the order dated 13/4/2018 and restore the matter back to file of Respondent No.2 Committee. The petitioner to appear before that Committee on 2/12/2019. The Committee shall extend necessary opportunity to the petitioner to establish her domicile and other relevant factors. In the light of observations made supra, the Committee shall pass fresh order on her caste status within a period of one year. The petition is partly allowed and disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

(B. P. DHARMADHIKARI, J.)