

jvs

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

SALUNKE
J V

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WRIT PETITION NO. 2304 OF 2020

Jivan Pradip Kamble } **Petitioner**
versus
The State of Maharashtra & Ors. } **Respondents**

Mr. Nitesh V. Bhutekar with Ms. Gargi Warunjikar
for the petitioner.

Mr. R. P. Kadam, AGP for respondents 1 to 3 (State).

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: MARCH 29, 2023

ORAL ORDER: - (Per - the Acting Chief Justice)

- 1.** Rule.
- 2.** Rule is made returnable forthwith. With the consent of the parties, taken up for final disposal.
- 3.** The caste claim of the petitioner is invalidated on the sole ground that the petitioner's father, grandfather and cousin aunt, prior to 10th August 1950, were permanent residents of Karnataka State.
- 4.** We have heard the learned counsel for the petitioner and the learned counsel for the respondents. The petitioner claims that his forefathers were residents of village Navalihal, Taluka Chikkodi, District Belgaum. The said village is part of 865 villages bordering Maharashtra. Prior to the State reorganization, the said village was part of the State of Bombay. It is submitted that even as per the Government Resolution dated 10th July 2008, the benefit to all those persons is granted for employment purpose,

who were residents of these 865 villages enlisted in the said Government Resolution.

5. It is not disputed that the caste Chambhar is Scheduled Caste in the State of Karnataka as well as Maharashtra. The benefit can be given to these persons for employment purpose in the State of Maharashtra. Reliance can be had to the judgment of a Division Bench of this Court at Aurangabad in the case of *Preeti Gopalrao Kamble vs. State of Maharashtra & Ors.*, reported in (2013) 2 Mah. L. J. 317. In the said judgment, this Court has observed as under: -

“11. In the instant matter, parents of the petitioners originally belong to Bider district. The part of the locality, to which petitioners belong, has been included in District Bider, which is presently included in the State of Karnataka, was part of erstwhile State of Hyderabad. The part of State of Hyderabad comprising of Marathwada region has been included in the State of Maharashtra after reorganization. The locality, to which petitioners originally belong, is predominantly Marathi speaking locality which forms part of bordering region of State of Karnataka. The State of Maharashtra has put forth claim in respect of region of State of Karnataka. The State of Maharashtra has put forth claim in respect of 865 disputed villages which presently forms part of State of Karnataka. Not only this, the State of Maharashtra has extended benefits to the residents of those bordering villages in the matter of education and employment in the State of Maharashtra.

12. In this view of the matter and considering the legal position emerging from the judgment of the Apex Court in the matter of *Sudhakar* [(2004) 4 Mh. L. J. 784], we are of the considered opinion that Respondent No. 2-Committee had fallen in error in invalidating caste claims of the petitioners only on the ground that original place of residence of parents of the petitioners presently forms part of State of Karnataka. Both the petitions, therefore, deserves to be allowed.”

6. In light of the above, the impugned judgment of the Scrutiny Committee is quashed and set aside. The matter is remanded to the Scrutiny Committee for deciding it on merits. The claim of the

petitioner shall not be invalidated only on the ground that his forefathers were residents of Navalihal, Taluka Chikkodi, District Belgaum.

7. The petitioner shall appear before the Scrutiny Committee on 5th April 2023. The Scrutiny Committee shall thereafter decide the claim of the petitioner expeditiously, preferably within three months.

8. Rule is made absolute accordingly. The writ petition is disposed of.

9. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)