

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

WRIT PETITION NO. 583 OF 2015

Sunita Veerbhadra Ghongade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sanjay R. Choukidar, Advocate for the Petitioner.
Smt. S. A. Dhumal, A G. P. for Respondent Nos. 1 and 2.
Shri Ajinkya S. Reddy, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 09TH JUNE, 2015.

PER COURT :

. The petitioner was appointed on 06.09.2000 i. e. when the petitioner was minor. However, the petitioner continued in service. The appointment of the petitioner is also approved. Subsequently, it transpired that when the petitioner was appointed, the petitioner was minor and could not have been appointed. It is almost 15 years the petitioner continued in service. It is not disputed that the petitioner is possessing necessary educational qualification and the services are approved.

2. Mr. Reddy, the learned counsel for the respondent No. 5

submits that, in fact, the petitioner did not bring it to the notice of the institution that the petitioner was minor. The petitioner is required to refund the benefits which are taken by the petitioner during the period of minority.

3. We have also heard the learned Assistant Government Pleader.

4. There is no doubt that, the petitioner during the period of her minority could not have been appointed. However, the petitioner is continued in service. It is not the case that, the petitioner has not submitted the documents while seeking initial appointment. The management itself has submitted proposal to the Education Officer seeking approval to the appointment of the petitioner. However, it has come to the notice that, when the petitioner was initially appointed, the petitioner was minor. Naturally, the petitioner would not be entitled for benefit for the period of service rendered during the minority. The petitioner cannot claim any benefit for the said period. Considering the fact that, the petitioner has continued in service for 15 years, it would be equitable to direct that the petitioner shall be deemed to be in service that is the date of attaining majority i. e. 06.09.2002 for all legal and practical purposes. The service of the petitioner shall be counted from 06.09.2002. In case the petitioner has derived any monetary benefit during the period of minority, the

petitioner shall return the same to the management.

5. The writ petition accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 15