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

**BENCH AT AURANGABAD**

**WRIT PETITION NO.5031/2015**

Kalindi Vilas Udar & another.  
...Petitioners..

**Versus**

The State of Maharashtra & others.  
...Respondents...

.....  
Shri Amit Mukhedkar, Advocate for petitioners.  
Shri S.G. Sangle, AGP for respondent no.1.  
Respondent nos.2 to 4 & 6 served.  
Shri V.D. Sapkal, Advocate for respondent no.5.  
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**CORAM: S.V. GANGAPURWALA &  
V.K. JADHAV, JJ.**

**DATE: 14.08.2015**

**ORDER :**

- 1] Heard learned counsel for the parties.
- 2] Learned counsel for the petitioner submits that the proposal was moved for family pension to the petitioner. The husband of the petitioner had died while in service.

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Learned counsel submits that the said proposal is returned back without considering the details submitted alongwith the proposal. The proposal complete in all respects is submitted. Even the conditions laid down in the Government resolution dated 27.6.2013 were satisfied. The husband of the petitioner was possessing M.Phil. qualification prior to the cut off date i.e. 11.7.2009. According to the learned counsel, the said aspect has not been considered. Alongwith the proposal, all the certificates were also annexed. The learned counsel submits that the proposal was in respect of family pension and not regular pension as the husband of the petitioner had died while in service. No proper reasons in returning the said proposal back are given.

3] Learned counsel Shri V.D. Sapkal for the respondent no.5 – college submits that the proposal complete in all respects was forwarded to the Director of Education. The husband of the petitioner was appointed in the year 1993 and died on 4.1.2014. He was possessing M.Phil before the cut-off date.

4] Learned AGP submits that the details were required to be given. As the details were not submitted regarding

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qualification and compliance of the Government resolution dated 27.6.2013, the order was rightly passed.

5] We have considered the submissions canvassed by the learned counsel for the parties and also perused the impugned communication.

6] It is submitted that the petitioner's husband had passed M.Phil. before 11.7.2009 and so as per the Government resolution referred therein had possessed the necessary qualification as he was appointed prior to 2000 i.e. in the year 1993 itself.

7] In view of above, we direct that the respondent no.5 – college shall re-submit the proposal to the competent authority with the details such as the petitioner's husband passing the M.Phil before the cut-off date. The competent authority shall reconsider the said proposal on receipt of the said information from the college. In case the authority is not satisfied or finds some deficiencies in the proposal, it shall ask for the clarification from the college and thereafter decide the said proposal. The college shall re-submit the proposal with the authority within a period of four weeks from today. On receipt of the said proposal, the authority

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shall take decision on the same expeditiously and preferably within three months from the date of receipt of the proposal. Writ petition is accordingly disposed of. No order as to costs.

**(V.K. JADHAV, J.)**

**(S.V. GANGAPURWALA, J.)**