

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

WRIT PETITION NO. 10753 OF 2014

SANGITA SUDHAKAR AUNDHEKAR
VERSUS
DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY,
AURANGABAD AND OTHERS

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Advocate for Petitioner : Mr. P.V. Mandlik Sr. Counsel i/b. Mr.
A.S.Gandhi & P.P.Mandlik
AGP for Respondents: Mr. G.K.Thigle
Advocate for Respondents : Mr. S.S.Thombre for R/1, Mr. N.S.
Tekale For R/4 And 5

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 09, 2015

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PER COURT :-

1. Mr. Mandalik, learned Senior Counsel submits that, father of the petitioner was an employee of the Respondent No.1. He retired on 31.10.1999. Mother of the petitioner died on 15.11.2008. Father of the petitioner died on 7.6.2010. Petitioner is legal heir of her father alongwith her two brothers i.e. respondents No.4 and 5. At the time of retirement of the father of petitioner, name of petitioner's mother and her two brothers were entered as Legal heirs as well as nominees. Pension in the name of the father of the petitioner after his retirement was sanctioned by the Accountant General. On or about 6.4.2010 father of the petitioner has submitted application to the Registrar University as well as to the Joint Director of Higher Education stating that name of the present petitioner be introduced as nominee for getting family pension. Petitioner is widow and is a case of border line mental retardation. Learned senior counsel submits that proposal was

also forwarded by the Respondent University to the Joint Director of Education for sanction of family pension, however, it is turned down, as name of the petitioner does not appear in the service book. According to the learned counsel, respondent University be directed to include name of the petitioner in the service book of late Sudhakar Aundhekar.

2. Learned counsel for Respondents No.4 and 5 states that respondents No.4 and 5 do not have any objection for introduction of the name of the petitioner in the service book of the father and for getting family pension by the petitioner.

3. Mr. Thombre, learned counsel submits that University had, in fact, forwarded the proposal, however, it was turned down by the Accountant General. There is no flaw on the part of the University.

4. We have considered submissions of learned counsel for respective parties.

5. Petitioner only seeks introduction of her name as legal heir and nominee of late Sudhakar in view of the application given by her father Sudhakar on 6.4.2010.

6. University has not disputed about the factual matrix. In fact University has also recommended the proposal for sanctioning

pension in name of the petitioner. Name of the petitioner does not appear in the service book of her father maintained by the University. As such, proposal could not be sanctioned. Brothers of the petitioner have also unequivocally agreed for the introduction of the name of the petitioner and considering the fact, that petitioner is widow and even as per certificate issued by the Medical Board is a case of border line mental retardation, is dependent on family.

7. In light of the above, impugned communication (Exh.'G') is quashed and set aside. Respondent University shall include the name of the petitioner in the service book as per application given by the deceased Sudhakar on 6.4.2010 and may submit the proposal to the Accountant General.

8. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-