

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

WRIT PETITION NO. 5452 OF 2016

Raviraj s/o Gulab Nage

.. PETITIONER

VERSUS

State of Maharashtra
& others

.. RESPONDENTS

Mr. P.R. Nangare, advocate for petitioner.
Mr. A.R. Kale, AGP for the State.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 8th JUNE, 2016.**

PER COURT :

1. Petitioner is objecting to the communication issued by the Additional Collector, Aurangabad on 30.04.2015 rejecting his request for verification of the nomination issued to him as a heir/dependant of freedom fighter.

2. It is not a matter of dispute that on the date of extension of request for verification of nomination certificate, the freedom fighter or his widow were not alive. Even otherwise, in view of judgment delivered by Division Bench of this Court in Writ Petition No. 7955/2006 in the matter of Sachin Subhash Hundekari Vs. The State of Maharashtra decided on 21.11.2011, on demise of the freedom fighter, the nominee shall not have any entitlement to secure benefits which are essentially meant for ensuring comfort of the freedom fighter or his widow. It is observed in the aforesaid judgment that the right to nominate a person for appointment in Government service is conferred on a freedom fighter and, after his demise, the said right cannot

be enforced. The right conferred under the policy cannot be exercised by any other person except widow of the freedom fighter. After demise of the widow, there is nobody who can gain support in furtherance of the beneficial policy. Petitioner objected to the judgment in the aforesaid matter by presenting writ petition in the Hon'ble Supreme Court being Writ Petition (Civil) No. 782/2015. The Hon'ble Supreme Court permitted the petitioner to withdraw the petition since he expressed his desire to seek redressal before the appropriate forum in accordance with law. Writ petition was as such dismissed as withdrawn with liberty as aforesaid.

3. For the reasons recorded above, we do not find any ground to cause interference in the order passed by the Additional Collector, Aurangabad which order is in conformity with the decision rendered by Division Bench of this Court in Writ Petition no. 7955/2006. Writ petition is devoid of substance hence stands rejected.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

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