

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

WRIT PETITION NO. 1834 OF 2017

Sayyad Mazhar Sayyad Jafar Hashmi
Age : 45 years, Occu: Labour,
R/o : Jawahar Colony, Dhar Road, Parbhani
Taluka and District Parbhani

...Petitioner

Versus

1. The District Collector, Parbhani,
District Parbhani
2. Chief Executive Officer,
Zilla Parishad, Parbhani,
District Parbhani
3. Education Officer (Primary),
Zilla Parishad, Parbhani
District Parbhani
4. Faizul Ulum Primary School,
Through its Headmaster,
Rehmatnagar, Parbhani.

..Respondents

Mr. S.S. Gangakhedkar, Advocate for Petitioner
Mr. A.R. Kale, AGP for Respondent No.1
Mrs. P.V. Diggikar, Advocate for Respondent Nos 2 and 3
Mr. V.J. Dhage, Advocate for Respondent No. 4

**CORAM : PRASANNA B. VARALE AND
MANISH PITALE, JJ.**

DATE: 23rd AUGUST, 2018

ORAL JUDGMENT (Per Prasanna B. Varale, J.) :

1. Heard Mr. Gangakhedkar, the learned counsel appearing for the petitioner, the learned AGP for respondent No.1, learned counsel Mrs. Diggikar for respondent Nos. 2 and 3 and Mr. Dhage, learned counsel appearing for respondent No.4.

2. It may not be necessary for us to refer the documents placed on record in detail as the grievance of the petitioner is of a limited nature. The petitioner submits that the petitioner is entitled to receive the monetary benefits of the family pension of his wife Smt. Nazneen Begum, who expired on 25th August, 2012. It is submitted that the petitioner though initially approached to the authorities, as he was not possessing the requisite documents in the form of the succession certificate, the petitioner approached the competent judicial forum for receiving the succession certificate. Mr. Gangakhedkar, learned counsel for the petitioner submitted that the petitioner is in receipt of succession certificate granted by competent judicial forum, and again approached respondent Nos. 3 and 4. There was

series of communication between the parties. It seems that the proposal was submitted to the Education Officer. There were certain objections. Again, The proposal was referred back to the Head Master. then, there was direction to produce the necessary documents. Be that as it may. The petitioner submits that the petitioner approached the authorities by presenting representations right from the year 2012 to year 2016 for receiving the benefits of family pension and no decision is taken. The submission is thus, an inordinate delay for receiving the benefits and the respondent Nos. 3 and 4 be directed to take appropriate decision on the representations of the petitioner. The learned counsel Mr. Dhage appearing for respondent No.4 submits, the respondent No. 4 is having no objection to forward the proposal to the competent authority i.e. Education Officer, but for the representations made to the authorities making certain allegations against respondent No.4 and for the non-cooperation from the petitioner, respondent No.4 was unable to take appropriate steps. Mr. Dhage invited our attention to the documents placed on record namely, the format at Exhibit "R" Collectively. Mr. Dhage submitted that it is the requirement of the rules that

respondent No.4 to verify the documents and also obtain the thumb impressions of the petitioner so as to forward the proposal to the competent authorities. Mr.Dhage then submitted that in spite of written communications to the petitioner to attend the office of respondent No. 4 for providing thumb impression and necessary documents namely, communication dated 25.11.2016 and 30.11.2016, the petitioner on one pretext or the other pretext or on allegations against respondent No.4. As such, it was not possible for respondent No.4 to take any steps. Mr. Gangakhedkar, the learned counsel appearing for the petitioner makes statement before us that the petitioner is ready to go before the Head Master of the school i.e. Faizul Ulum Primary School, Rehmatnagar, Parbhani as and when directed by this court and he is withdrawing the allegations levelled against respondent No.4 as the petitioner is more interested in receiving the amount of rightful claim instead of raising dispute with respondent No.4. The learned counsel appearing for respondent No. 3 Mrs. Diggikar submits that, if the proposal, complete in all respects is received by respondent No.3, respondent No. 3 will take appropriate decision as expeditiously as possible on the

merits of the proposal.

3. Considering all these aspects, we are of the opinion that the petition can be disposed of by issuing directions to the parties and these directions would cause no prejudice to the parties and it would only facilitate to meet the ends of justice. Accordingly, we direct the petitioner to remain present in the office of the Head Master, Faizul Ulum Primary School, Rehmatnagar, Parbhani on 29th of August, 2018 with all the required documents. The petitioner to co-operate respondent No.4, Head Master for obtaining the thumb impression, verification of the documents and signatures, if any, on the documents, proposal. After completing this exercise, respondent No. 4 to forward the proposal to respondent No.3 within two weeks from 29th August, 2018. On receipt of the proposal, respondent No. 3 to take appropriate decision, needless to state, on merits, within 8 weeks. The Writ Petition is accordingly disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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