

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2189 OF 2019

Shantabai w/o Shankar Yadav

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. S.R. Pande, advocate for the petitioner.

Mrs. G.L. Deshpande, AGP for Respondent no. 1.

CORAM : PRASANNA B. VARALE AND

NITIN W. SAMBRE, JJ.

DATE : 05th April, 2019.

P.C. :

Deceased Shankar Yadav was working as a peon with the Maharashtra State Board of Secondary and Higher Secondary, Aurangabad. He stood retired on superannuation on 31.08.2001. Shankar died on 15.11.2005 leaving behind him two wives i.e. present petitioner Shantabai and Respondent No. 4 Parvati, who is alleged to be another wife.

2 The case of the petitioner is, though she holds a succession certificate in her favour, the retirement benefits with pension are not released in her favour.

3 When confronted on the issue of recent Full Bench judgment delivered by this Court in the matter of Kamalbai Vyankatrao Nipanikar Vs. State of Maharashtra and others (**Writ Petition No. 9933/2016**, decided on 31.01.2019), learned counsel

for the petitioner submits that a fresh representation will be made to the Secretary of Respondent – Board based on the Full Bench judgment establishing the claim of the petitioner for grant of retirement benefits with pension.

4 If the petitioner makes such representation within two weeks from today to the Respondent-Board, the Secretary of the Respondent-Board shall decide it as expeditiously as possible and in any case within eight weeks from the date of receipt of such representation.

5 With the above observations, petition stands partly allowed.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

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