

WRIT PETITION NO. 3140 OF 2020

Saeedabee Azgar Khan Pathan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Taher Ali Quadri, Advocate for the Petitioner.
Mrs. R. P. Gaur, A.G.P. for Respondent Nos. 1 and 4.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 25TH FEBRURY 2020.**

FINAL ORDER :

Mr. Quadri, the learned advocate for the petitioner strenuously contends that, husband of the the petitioner was wrongly superannuated in the year 2001 on the ground that deceased husband of the petitioner was 70 years of age. According to the learned counsel, the same was only on the basis of medical certificate issued without conducting any bone ossification test. The same was not issued by the doctor after physical examination. The learned counsel submits that, subsequently the deceased husband could lay his hand on the school record. The husband of the petitioner filed an application. Subsequently husband of the petitioner died in the year 2011. The learned counsel submits that, the medical certificate is always subject to the school record. Entry in the school record has presumptive value. The petitioner had produced the nirgam utara.

2. We have also heard the learned Assistant Government Pleader for respondents/State.

3. The deceased husband of the petitioner was superannuated on 31.12.2001 on the ground that he was 70 years of age and he ought to have been retired on completing 60 years. The deceased husband of the petitioner had filed writ petition bearing Writ Petition No. 2236 of 2004. The Divisional Bench of this Court under its judgment and order dated 07.04.2005 dismissed the writ petition negating the contention of the petitioner. The deceased husband of the petitioner during his lifetime did not file a petition for review of the said order. The said order is still holding the field.

4. In the wake of earlier order passed, contrary order cannot be passed by a co-ordinate bench.

5. In the light of the above, this Court cannot come to the aid of the petitioner. The writ petition as such is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]