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

919 WRIT PETITION NO.6611 OF 2022

SOW. RENUKA SUNIL NAKVAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

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Mr B. V. Thombre, Advocate for petitioner;
Mr S. P. Tiwari, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 28th June, 2022

PER COURT:

1. Leave to correct the description of the 'mother-in-law' as the 'grandmother-in-law' (instead of 'mother-in-law') in the memo of the petition. Correction be carried out forthwith.
2. By this petition, the petitioner has put forth prayer clauses (B) and (C), which read as under :-

“B] By issuing Writ in the nature of Certiorari or any other appropriate Writ, like nature or any of the direction or order the impugned communication no. Na.Pa./Samanya/500/2021 dt. 31/05/2021 issued by the Chief Officer, Municipal Council, Chalisgaon may kindly be quashed and set aside.

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C] By issuing Writ in the nature of Mandamus or any other appropriate Writ, like nature or any of the direction or order to the Chief Officer, Municipal Council, Chalisgaon to reconsider the case of the petitioner for appointment on the post of Safai Karmchhari on compassionate ground in the place of her Grandmother-in-law as per Lad and Page recommendations and Govt. policy as expeditiously as possible preferably within four weeks. Further, to issue appointment order in favour of the petitioner on the post of Safai Karmchhari in the establishment of Municipal Council, Chalisgaon."

3. We have considered the strenuous submissions of the learned Advocate for the petitioner and the learned A.G.P. With their assistance, we have gone through the record available and especially the Circular dated 21/10/2011, issued by the State of Maharashtra, through it's Department of Social Justice and Special Assistance, based on the Lad-Page Committee recommendations, which is popularly known as the 'Vashila Paddhat'.

4. The petitioner's grandmother-in-law was a 'Safai Kamgar' with the Municipal Council and she retired in 1974. Thereafter, there was no applicant from her family, who sought appointment as 'Safai Kamgar' on the basis of the 'Vashila Paddhat'. Though it is wrongly mentioned in the body of the petition that the

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petitioner is the daughter-in-law of late Jiwa Siva Nakval, actually she is the grand daughter-in-law of late Jiwa Siva Nakval, who was her grandmother-in-law. The Circular clearly mandates that, a daughter-in-law of the person, who is a 'Safai Kamgar' can seek such appointment on 'Vashila Paddhat'. Moreover, such application for appointment as 'Safai Kamgar' has to be made within one year from the demise or superannuation or retirement from service due to medical infirmity, of an in-service candidate.

5. The petitioner's grandmother-in-law, as noted above, was the 'Safai Kamgar', who superannuated on 11/01/1974. The petitioner has filed an application on 28/09/2020, seeking appointment as 'Safai Kamgar', after 46 years.

6. In view of the above and considering the Government Resolution applicable and the Rules, it is apparent that, after the grandmother-in-law superannuated in January 1974, not a single member of her family has come forward to seek appointment as 'Safai Kamgar'. So also, the petition is completely silent about the whereabouts and the earnings of the husband of the petitioner, namely, Sunil Nakval. Moreover, the applicant has to tender an affidavit undertaking that she will take care of the retiring

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employee, so as to be nominated by her to occupy her position. In this cast, the grandmother-in-law is already dead and there is no nomination in favour of the petitioner.

7. Considering the above, we do not find any merit in this petition and the same is dismissed.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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