

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8946 OF 2022

GODAWARI DNYANOBA NILE
VERSUS
THE STATE OF MAHARASHTRA SCHOOL EDUCATION
AND SPORTS DEPARTMENT THROUGH ITS SECRETARY
AND OTHERS

...
Advocate for Petitioner : Syed Masood Chand
AGP for the Respondents/State : Shri S.K. Tambe
...

CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 17th October, 2022

Per Court :-

1. The petitioner claims to be the first wife of respondent No.6. The alleged second wife, whose name is said to be Mandakini, has not been arrayed in this petition. The husband of the petitioner, who is also the husband of that woman, is respondent No.6 before us.

2. The learned Full Bench of this Court has delivered a judgment in the case of *Kamalbai Venkatrao Nipanikar vs. State of Maharashtra and others*, 2019 (3) *Mh.L.J.* 921, holding that family pension can be claimed by a widow, who is a legally

wedded wife of the deceased employee and the second wife cannot be a legally wedded wife and would not be entitled for family pension.

3. The petitioner desires that we should declare that the petitioner is the first wife and direct the husband to nominate her as his nominee in his service book/retiral/ pensionary papers.

4. The petitioner needs to approach the competent court to get a declaration as to who is the legally wedded wife. We cannot issue any orders on this count.

5. In view of the above, this Writ Petition is dismissed.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)