

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 1715/2022

Kirti w/o Nitin Sonwal

..VS..

State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J.K. Matala, Advocate for petitioner

Miss. Nivedita P Mehta, Assistant Government Pleader for respondent nos. 1 to 4

Shri PP Deshmukh, Advocate for respondent no. 5

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, J.J.

DATED : 12/08/2022

The petitioner is the daughter-in-law of one Kesharbai who was working as Sweeper with Municipal Council, Digra. She seeks her appointment on the said post under the recommendations of the Lad-Page Committee. It is not in dispute that during her lifetime Kesharbai had nominated her grandson Rajesh as her heir for appointment in her place. Said Rajesh was granted the appointment, but on 01.11.2008 he tendered his resignation. Thereafter, it is the case of the petitioner that she married the grandson of Kesharbai on 22.04.2012. It is thereafter that the petitioner has sought appointment in place of Rajesh especially on the ground that said Rajesh was not taking due care of Kesharbai.

The learned Counsel for the petitioner has relied upon the Resolution passed by the Municipal Council in its General Meeting dated 26.12.2019 recommending the name of the petitioner as a special case. He relied upon the Government Resolution dated 10.11.2015 and Clause 12 thereof to urge that since Rajesh was not taking care of Kesharbai, the petitioner should be granted appointment.

We find that the claim of the petitioner is not supported by any policy of the State or by any Government Resolution. On the contrary, the Government Resolution dated 10.11.2015 is now replaced by the Government Resolution dated 11.03.2016. Only after completion of twenty years service and retirement on medical grounds that such employee can nominate a legal heir for appointment.

We find that Rajesh had resigned from service on 01.11.2008 and hence had not completed the required twenty years service. We do not find any legal right in the petitioner to seek appointment on the nomination made by Kesharbai.

In that view of the matter, the writ petition is dismissed. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

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