

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

951 WRIT PETITION NO.12003 OF 2023

KAVITA SURENDRA MAHALE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND  
OTHERS

Mr.S.R.Barlinge, Advocate for the Petitioners.  
Mr.P.S.Patil, AGP for Respondent No.1.  
Mr.S.R.Dheple, Advocate for Respondent Nos. 2 and 3.

( CORAM : RAVINDRA V. GHUGE AND  
S.G.MEHARE, JJ.)

DATE : SEPTEMBER 29, 2023

PER COURT :

1. The Petitioner No.1 is a widow and Petitioner Nos. 2 and 3 are her children. The only prayer put forth is that the retiral / service benefits of the deceased husband be cleared in the light of the circular dated 11.08.2023.

2. The learned Advocate Mr.Barlinge submits that the claim of the deceased employee of belonging to the "Tokre Koli" Scheduled Tribe Category was pending when he died due to Covid-19. He is aware that if compassionate employment is sought, the law laid down by this Court

in **Om Bhagwanrao Anjanwad Vs.State of Maharashtra and another [2022(4) Mh.L.J.723]**, mandating the compassionate appointee to get his caste / tribe validated, in view of the father having been appointed to a post reserved for a backward category. However, in view of the Government circular dated 11.08.2023, there is no impediment for clearing the dues of the deceased payable to the widow.

3. In view of the above, we direct the Education Officer (Primary), Zilla Parishad, Aurangabad as well as all Authorities in connection to the clearance of the retiral dues of the Petitioner, to ensure that the dues are cleared by following the due procedure laid down in Law, within a period of 60 days.

4. In view of the above, **this Petition is disposed off.**

( S.G.MEHARE, J. )

( RAVINDRA V. GHUGE, J.)