

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

Writ Petition No.4294 of 2019

Smt. Reena w/o Sanjay Baksariya

vs.

Nagpur Municipal Corporation & another

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. S.D. Kalyani, Advocate for the Petitioner.
 Mr. S.M. Ukey, Advocate for Respondent No.1.
 Mr. A.M. Madiwale, A.G.P. for Respondent No.2.*

CORAM : A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.
DATE : 16th MARCH, 2023.

The mother of the petitioner was employed with the Nagpur Municipal Corporation as a Sweeper. She retired from service on 31/01/2012 and nominated the petitioner, who is her married daughter, to be appointed in her place as per the recommendations of the Lad Page Committee. The petitioner accordingly made an application in that regard on 02/05/2012. The Corporation issued a communication to the petitioner on 04/07/2018 stating therein that in the light of the Government Resolutions dated 21/10/2011 and 26/02/2014, it was necessary for the petitioner to obtain 'no objection certificate' of five legal heirs in the family. The petitioner has been unable to obtain such 'no objection certificate' on account of differences with the said legal heirs. In this backdrop, the petitioner seeks relief of appointment on the post that was held by her mother.

02] We have heard the learned Counsel for the parties and perused the documents on record. Our attention is invited

to the recent Government Resolution dated 24/02/2023, that has been issued by the Social Justice and Special Assistance Department of the State Government. In the context of the recommendations of the Lad Page Committee, the requirement of obtaining 'no objection certificate' of other legal heirs has been done away with in Clause 5.2 of the said Government Resolution. Since this Government Resolution presently holds the field and dispenses with obtaining of 'no objection certificate', we find that the interest of justice would be served by directing respondent No.1-Nagpur Municipal Corporation, through its Commissioner (Health) to reconsider the petitioner's application dated 02/05/2012 seeking appointment on the post of Sweeper in place of her mother. While doing so, the provisions of the Government Resolution dated 24/02/2023 shall be taken into consideration. Necessary decision in this regard be taken by the end of April, 2023 and the decision be communicated to the petitioner. To facilitate consideration of the petitioner's application, she shall remain present before the Municipal Commissioner (Health Department) on 28th March, 2023 at 11:30 a.m. Similarly, it would be open for the applicants who have filed Civil Application No.373/2020 for intervention to appear before the said Authority and put forth their say in the matter.

03] With these directions, the writ petition is allowed in the aforesaid terms with no order as to costs. The Civil Application is also disposed of.