



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

WRIT PETITION NO. 4444 OF 2023

Deepali wd/o Mahendra Nagapure, aged about 30 years, Occup.Nil, r/o C/o Late Bhaskarrao Katilkar, Jawahar Nagar, Shiv Gajanan Mandir, Near Rekha Colony, VMV Road, Navsari, Amravati, Tq. And Dist.Amravati (On RA) **Petitioner**

-Versus-

1. State of Maharashtra through, Secretary, General Administration Department, Mantralaya, Mumbai -32.
2. State of Maharashtra through, Secretary, Education and Sports Department, Mantralaya, Mumbai-32.
3. Commissioner, Youth and Sports Services, Maharashtra State, Pune, Office at Shiv Chatrapati Sports Complex, Mahalunge, Pune, Tq. and Dist.Pune.
4. Deputy Director, Youth and Sports Services Amravati Division, Amravati Divisional Sports Complex, Morshi Road,Amravati, Tq. and Dist. Amravati.
5. Suryakanta Diliprao Nagapure, aged about 59 years, Occupation: Pensioner, R/o Jalu Post, Dabha Ahmadpur, Tq. Nandgaon Khandeshwar, Dist.Amravati. (All on RA)

Respondents

Mr.J.B.Kasat, counsel for the petitioner.
Mr.A.S.Fulzele, Addl.G.P. for the respondent Nos.1 to 4.
Respondent No.5 served.

**CORAM : A.S.CHANDURKAR AND
VRUSHALI V. JOSHI, JJ.**

DATE : 06th October, 2023

ORAL JUDGMENT (Per : A. S. Chandurkar, J.)

Heard.

2. Rule. Rule made returnable forthwith. The petition is heard finally with the consent of the learned counsel for the parties.

3. The husband of the petitioner was in employment with the office of the National Cadet Corps, Amravati as a Jr. Clerk. He died in harness on 20.05.2021. The petitioner is the widow of the deceased employee, who seeks the employment on compassionate ground in terms of the Government Resolution dated 21/09/2017. Her application has been rejected by the communication dated 23.05.2023 on the ground that No Objection Certificate from her mother-in-law has not been obtained.

4. After hearing the learned counsel appearing for the parties and on perusing the Government Resolution dated 21.09.2017,

we find that this Court in **Writ Petition No. 6273 of 2022 (Rutuja Kunal Ruikwar Vs. State of Maharashtra, through Secretary and ors)** has taken a view that obtaining No Objection Certificate in the context of Clause-9 of the said Government Resolution would be of a person, who is eligible for being considered for appointment. In the present case, the petitioner's mother-in-law is aged about 59 years, and she is receiving pension after the death of her husband as pleaded in paragraph No.8 of the Writ Petition. It is further stated that the relations between the petitioner and respondent No.5 are not cordial and hence, such No Objection Certificate cannot be obtained.

5. We find that the petitioner is widow of the deceased employee. Her application for seeking appointment on compassionate ground deserves consideration without insisting for No Objection Certificate as per the impugned communication. In these facts, the communication dated 23.05.2023 is set aside and respondent Nos.3 and 4 are directed to consider the petitioner's application seeking appointment on compassionate basis, on its own merits and in accordance with the Government Resolution dated 21.09.2017. The production of the No Objection Certificate

from the petitioner shall not be insisted.

6. Rule is made absolute in above terms. No costs.

(VRUSHALI V. JOSHI, J)

(A.S.CHANDURKAR, J)