



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

WRIT PETITION NO.6273 OF 2022

Rutuja wd/o Kunal Ruikwar

Vs.

State of Maharashtra, through Secretary, Central Administration Department, Mumbai
and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. B. Kasat, Advocate for petitioner.

Mr. N. R. Rao, AGP for respondent Nos.1 to 3/State.

Mr. Apurva De, Advocate h/f Mr. Anjan De, Advocate for respondent No.4.

Mr. S. S. Malode, Advocate for respondent No.5.

**CORAM : AVINASH G. GHAROTE, AND
URMILA JOSHI-PHALKE, JJ.**

DATED : 22/08/2023

1. The petition challenges the communication dated 05.07.2022 filed by respondent No.3 refusing to register the name of the petitioner in the waiting list for compassionate appointment, unless the NOC from the mother-in-law Smt. Shila Raikwar is obtained. A perusal of the GR dated 21.09.2017 (clause 4 thereof) (page 22) would indicate that the mother of the deceased does not fall into the category of persons eligible for being considered for apportionment on a compassionate basis. The affidavit in terms of clause 8A has already been submitted by the petitioner (page 49).

2. In view of the above position, the insistence on part of the respondent No.3 for obtaining the NOC of the mother of the respondent No.5 is clearly not justified.

Though, Mr. Malode, learned Counsel for the respondent No.5 makes a statement that the petitioner is not taking care of the respondent No.5. It is equally an admitted position by him that respondent No.5 is getting pension on account of the demise of her husband and the affidavit in terms of clause 8A has already been submitted.

3. In that view of the matter, the impugned communication dated 05.07.2022 is hereby quashed and set aside and the respondent No.3 is directed to include the name of the petitioner in the waiting list for compassionate appointment.

4. Accordingly, the Writ Petition is disposed of in above terms.

(URMILA JOSHI-PHALKE, J.) (AVINASH G. GHAROTE, J.)