



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8920 OF 2024

AMBUBAI GOVIND GAJARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

....
Mr. U. B. Deshmukh, Advocate for the Petitioner
Mr. S. K. Tambe, AGP for the Respondent – State
....

CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

DATE : 29.08.2024

PER COURT :-

1. On 22.08.2024, we had passed the following order:-

“1. The husband of the Petitioner passed away on 15/01/2010. His date of birth is said to be 03/09/1956. The Petitioner/widow has four daughters and two sons out of the marriage. One son, namely, Gautam was nominated for compassionate appointment. He turned alcoholic and drove out his mother i.e. the present Petitioner, from the dwelling house. The Petitioner is presently residing with her daughter, namely, Nanda, who is married. Nanda is in employment as an ‘Anganwadi Sevika’.

2. In our view, Nanda cannot be granted appointment as she is already in employment. The deceased has passed away 14 years and 7 months ago.

3. *We have considered the law laid down by the Full Bench of this Court in **Sunita Dinesh Gaikwad and Another Vs. State of Maharashtra and Another**, [2023 (5) Mh.L.J. 40], by which, the view taken by the learned Division Bench in **Bhagyashree Pradip Chopade Vs. MIDC and Others**, [2022 SCC OnLine Bom. 11772], was upheld. Therefore, we direct the Petitioner to place before us the birth certificates of her four daughters and two sons, along with a short affidavit. Let such affidavit be tendered to the Court on or before, 28/08/2024.*

4. *Stand over to 29/08/2024, for dictating order.”*

2. The Petitioner has filed an additional affidavit dated 28.08.2024. The details indicate that her six children are born before the cutoff date and the law laid down in Bhagyashree Pradip Chopade (supra) and by the Full Bench in Sunita Dinesh Gaikwad (supra), would not affect her. The widow is presently receiving Rs.9000/- as monthly pension.

3. The learned AGP submits that this matter would lie before the learned Maharashtra Administrative Tribunal in the light of Section 3(q) and 15 of the Administrative Tribunals Act.

4. In view of the above and on the request of the Petitioner, **this Writ Petition is disposed off** from the file of this Court. The

Registry shall transfer the proceedings to the learned Maharashtra Administrative Tribunal.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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