

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 594 OF 2024

Sangita Shrikant Sonawane and Others ... Petitioners

versus

The State of Maharashtra and Others ... Respondents

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Mr.C.G.Gaynekar with Mr.Rohit Parab for the Petitioners.

Mr.K.S.Thorat, AGP for Respondent Nos. 1 to 3-State.

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**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 19 JANUARY 2024

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioners had sought a direction to Respondent Nos. 6 and 7- Management to submit pension proposal to Respondent No.3- the Regional Joint Director, Higher Education, Kolhapur Region. Husband of Petitioner No.1 was working as Assistant Professor in Respondent No.6- College. Petitioner No.1's husband passed away on 22 June 2022 leaving behind the Petitioners, that is, widow, daughter and son respectively.

3. Respondent No.7- Management has given reply to the Petitioners' communication on 6 November 2023 stating that pension proposal cannot be forwarded since her husband had not passed net/set examination which is required as per Government Resolution dated 29 October 2021 and also his appointment was on a temporary basis from one academic year to another. Respondent No. 7- Management also stated that they have sought guidance from Respondent No.3- the Regional Joint Director and the same is awaited.

4. Respondent No. 7- Management has already written a letter to Respondent No.3- the Regional Joint Director on 17 April 2023 seeking guidance. Respondent No.3- the Regional Joint Director will examine the communication sent by Respondent No. 7- Management and give response to both Respondent No. 7- Management and the Petitioners. If Respondent No.3- the Regional Joint Director is of the opinion that response adverse to the Petitioners is to be given, then he will first communicate proposed reasons for rejection to Respondent No.7-Management and the Petitioners giving them adequate time to submit their response. It is open to the Petitioners and Respondent No.7-Management, in their response, to rely on such Government Resolution and the decisions of the Court. Respondent No.3- the Regional Joint Director in his reasoned order would deal with the Government Resolution and the decisions so cited. If the Government Resolution and the decisions

are not applicable to the case of the Petitioners, Respondent No.3- the Regional Joint Director will state so with reasons.

5. Needless to state that if Respondent No.3- the Regional Joint Director proceeds with clarification favorably to the Petitioners, then he will proceed to do so, subject to earlier time bound commitments and pressing public duties. Upon receiving response from the Petitioners, Respondent No.3- the Regional Joint Director will take necessary decision and place the same on record of this Court by the next date.

6. Stand over to **15 March 2024**.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)