



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10792 OF 2025

Ravindra Kisanrao Pudat,
age major, Occ. Education, R/o Dawarwadi,
Tq Paithan, District Aurangabad.

VERSUS

The State Of Maharashtra And Others

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Advocate for Petitioner : Mr. D.S. Patil

Addl. GP for Respondents : Mr. S.K. Tambe

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

Dated : November 17, 2025

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FINAL ORDER :- (Per Hiten S. Venegavkar, J.)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India seeking to quash and set aside the Government Resolution dated 16th September, 2024 and the Government Resolution dated 28th February, 2014 issued by the General Administration Department of the State of Maharashtra. The petitioner claims entitlement for appointment in Government service under the Freedom Fighter Nominee Concession Scheme, asserting his status as the valid nominee of late 'Freedom Fighter' Baburao Vittal Pudat.

2. The petitioner states that he is the nephew of the said freedom fighter, who, during his lifetime, had initially nominated his son 'Shri Vilas Baburao Pudat' to receive the benefits available to nominees of freedom fighters, including preferential appointment in Government service. According to the petitioner, on 17th November 1986 the Freedom Fighter had formally submitted his nomination certificate naming his son as beneficiary for availing the said concession. Subsequently, however, the son of the freedom fighter, by a letter dated 15th July 2009, purportedly relinquished his nomination in favour of the present petitioner and executed an affidavit to that effect. Based on this relinquishment, the petitioner approached the Additional District Collector, Aurangabad, requesting issuance of a nomination certificate in his favour.

3. On 31st July, 2009, the Additional Collector forwarded a communication to the Sub-Divisional Officer, Aurangabad-Sillod, directing verification of two aspects : (i) *whether the petitioner was indeed the nephew of the freedom fighter*, and (ii) *whether he was dependent on the freedom fighter*. Thereafter, on 22nd December, 2009, the Sub-Divisional

Officer submitted a detailed report with supporting documents to the Additional Collector. The record further discloses that the Additional Collector thereafter issued a schedule relating to the nomination certificate. In that schedule, the freedom fighter is stated to have given an oath-bound declaration affirming that although he had initially nominated his son, the said nominee had not taken any benefit under the scheme, and therefore, he was nominating the present petitioner for availing benefits including appointment to Government service. The petitioner submits that on 9th August, 2010 he submitted an application to respondent no.3 for appointment to a Class-IV post which, according to him, had been lying vacant. When no appointment was forthcoming, he again moved an application on 4th February, 2012 seeking appointment to a Class-IV (Peon) post. The petitioner asserts that he continued issuing reminders to respondents no.2 and 3 for consideration of his request. By communication dated 4th March, 2011, however, respondents no.2 and 3 informed him that there was no vacancy in the office and, therefore, he could not be appointed as 'Peon'.

4. The petitioner contends that he has been consistently pursuing his request since 2009 and, upon not receiving any response or appointment, he again approached respondent no.2 on 14th July, 2022 seeking appointment to a Class-IV post. It is stated that respondent no.2, by letter dated the same day, directed respondent no.3 to consider the petitioner's case and take appropriate action. Respondent no. 3, however, in its communication dated 22nd July 2022, rejected petitioner's request by relying upon the Government Resolution dated 28th February, 2014. According to respondent no.3, as per the said Government Resolution, the nomination certificate issued to the ward of a freedom fighter remains valid only during the lifetime of the freedom fighter or his widow. Since both the freedom fighter and his widow had passed away, the nomination certificate in favour of the petitioner stood cancelled in terms of the said Government Resolution.

5. The petitioner challenges the Government Resolution dated 28th February, 2014 as well as the Government Resolution dated 16th September 2024, contending that the said resolutions are arbitrary, illegal, and

contrary to the statutory scheme governing concessions to nominees of freedom fighters. The petitioner submits that neither he nor the original nominee (the son of the freedom fighter) had availed any benefit under the scheme. He, therefore, contends that the authorities ought to have considered his request, as his claim originated much prior to the issuance of the 2014 Government Resolution. The petitioner further argues that the inability or delay on the part of respondents no.2 and 3 to provide him with a suitable vacancy cannot now be used to deprive him of the benefit of the concession, which is in the nature of a welfare measure intended to support the families of freedom fighters. He therefore prays for quashing of the Government Resolutions dated 16th September, 2024 and 28th February 2014.

6. The learned Additional Government Pleader appearing for the State opposed the petition and submitted that there is no provision under the scheme permitting substitution of a the nominee merely on the basis of a consent affidavit by the original nominee. Therefore, the so-called consent given by son of the freedom fighter in favour of the petitioner does not create any enforceable right. It was further

submitted that the very object of the scheme is to ensure that during lifetime of the freedom fighter or his spouse, a dependent family member may be provided with employment to support the aged freedom fighter. After demise of both the freedom fighter and his spouse, the very purpose of the scheme ceases to exist, and, therefore, no benefit can be conferred thereafter. It was thus submitted that the petition is devoid of merit and is liable to be dismissed.

7. We have heard the learned advocates for the respective parties and have carefully perused the impugned Government Resolution dated 16th September 2024 placed on record. A perusal of the said Government Resolution reveals that it merely cancels an earlier Government Resolution dated 20th August, 2024 which contained certain guidelines for appointment of the nominees of freedom fighters to Class-III and Class-IV posts. Although, the petitioner has also impugned the Government Resolution dated 28th February, 2014, a copy of the same has not been annexed to the petition. The petitioner has relied upon certain nomination forms said to be executed by the freedom fighter; however, it is an admitted position that the freedom fighter had originally nominated his

son and that the petitioner subsequently obtained consent of the said son. Nothing has been placed on record to show that the authorities ever accepted or approved such re-nomination. When specifically queried, learned advocate for the petitioner was unable to demonstrate any material indicating acceptance of the revised nomination by the competent authority.

8. The record further indicates that although the petitioner has been correspondence with respondents no.2 and 3 since 2009 seeking appointment as the nominee of the freedom fighter. The Tahsildar, Aurangabad, by a reasoned order dated 22nd July, 2022, rejected his request with specific reference to the Government Resolution dated 28th February, 2014. The Tahsildar categorically held that the nomination certificate issued to the ward of a freedom fighter remains valid only during the lifetime of the freedom fighter or his spouse and stands cancelled after their demise. In the present case, as both the freedom fighter and his widow have expired, the Authorities rightly held that the concession was not available to the petitioner. Although the petitioner has annexed the said order to the petition, significantly, he has not

challenged it. In the absence of challenge to this operative order, the issue cannot be adjudicated in the present petition.

9. Having considered the entire record, we find that the petition does not disclose any substantive grounds or pleadings, which establish a valid challenge to the Government Resolutions in question. The plea of the petitioner is entirely based on a re-nomination whose validity has never been accepted by the competent authority. Further, the petitioner seeks to rely on a scheme whose benefits ceased upon demise of the freedom fighter and his spouse. The respondents have acted strictly in accordance with the Government Resolution dated 28th February, 2014, and no illegality or infirmity can be attributed to their decision.

10. In view of the aforesaid discussion, we are of the considered opinion that the present petition is devoid of merit and is accordingly **dismissed**. There shall be no order as to costs.

(HITEN S. VENEGAVKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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