



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11587 OF 2025

Nirmala Prakash Pardeshi

VERSUS

The State Of Maharashtra And Others

Mr. A. D. Sonar, Advocate for petitioner

Mr. R. B. Dhaware, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 25th November, 2025

PER COURT :-

1. Present petition has been filed for following relief :-

A] By any appropriate writ or order or direction in like nature, the respondent may kindly be directed to start the regular pension of the petitioner with immediate effect. And also to quash and set aside the impugned decision/communication dated 06/05/2024 (Exh. "C") rendered by the respondent no. 2.

2. Petitioner contends that she is a widow of one Prakash Pardeshi who was employed as Assistant Teacher in V. N. Patil, Madhyamik Vidyalaya and Junior College at Chaugaon, Dist. Dhule. He got retired on account of superannuation on 31.05.2013. He was there getting pension. He has nominated the petitioner for the pension after his death. Unfortunately, he expired on 18.05.2015. According to the petitioner, there was no dispute between herself and the deceased in

view of the nomination. She started getting pension however, in the year, 2018, the father-in-law and brother-in-law of the petitioner made a complaint of respondent No. 2 stating that there was a divorce decree in view of the petition filed by Prakash Pardeshi against the petitioner and, therefore, in laws claimed that the petitioner is not entitled to get pension without giving an opportunity of hearing to the petitioner on the basis of a complaint and the divorce decree. Respondent No. 2 gave communication to respondent No. 3 on 06.05.2024 stating that the pension should be withhold until further orders. After getting that letter, the petitioner applied for the certified copy of the said divorce decree and came to know that her husband had filed HMP No. 32/2001 which came to be decided ex-parte in the year 2002. The petitioner contends that in fact she herself and her husband were residing together till his death and a gift deed has also been executed in her favour by the husband wherein it is specifically mentioned that she is still the wife of the executor. The petitioner approach the respondent authorities on 01.03.2025 giving detailed representations however, it has not been decided. Hence, this petition.

3. Heard learned Advocate for the petitioner. Learned AGP waives notice for all respondents.

4. Here the facts are not disputed to the extent that deceased Prakash Pardeshi who retired as Assistant Teacher was getting pension and it also appears that after his death, the petitioner was getting a family pension. Now fact has also come on record that deceased Prakash Pardeshi had filed HMP No. 32/2001 which came to be decided ex-parte on 25.10.2002. It was the petition under Section 13 of Hindu Marriage Act and by way of the judgment and decree, the marriage between the petitioner therein i.e., Prakash Pardeshi and the present petitioner solemnized on 06.05.1980 stood dissolved. A divorced wife cannot be said to be family member in view of the Maharashtra Civil Services (Pension) Rules and, therefore, the prayer that has been made cannot be allowed with the decree is in subsistence. Petitioner's contention that she has no knowledge cannot be considered here as it would amount to go into the disputed facts which is impermissible under Article 226 of the Constitution of India.

5. We therefore, dismiss the writ petition.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi