



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 13105 OF 2025

Swatantrya Sainik Palya Sanghatana,
Maharashtra, having its Registration
No.F-0013856, Through its President-
Sushilkumar Lalasaheb Patil,
Age-47 years, Occu:Social Work,
R/o-Khamaswadi, Tq-Kallamb,
District-Dharashiv.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Chief Secretary,
Mantralaya, Mumbai-400 032,
- 2) Principal Secretary,
General Administration Department,
Mantralaya, Mumbai.

...RESPONDENTS

...
Mr. S.B. Solanke Advocate for Petitioner.
Ms. S.S. Joshi, A.G.P. for Respondent Nos. 1 and 2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 6th NOVEMBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Heard learned Advocate for the petitioner. Present
petitioner is praying following reliefs:-

" (B) By issuing a writ of mandamus, orders, directions or any other appropriate writ in the like nature, direct the Respondent – State of Maharashtra, to provide opportunities to the nominees of the freedom fighters, who are in search of employment of Class-3 and Class-4 in Govt. department as well as to provide 10% horizontal reservations meant for the nominees of the freedom fighters in the state of Maharashtra, as has been made applicable by other States in the Country."

2. Learned Advocate for the petitioner submits that the petitioner is a registered association established for the welfare and to raise issues faced by the nominees of the freedom fighters in the State of Maharashtra. The Government of Maharashtra has come up with Government Resolution dated 28th February 2014, giving directions that the nominations made by the freedom fighters in favour of the nominees would come to an end after the demise of the freedom fighters. According to the petitioner, this has caused great prejudice to the members of the petitioner. Thereafter another Government Resolution came up on 25th September 2020, incorporating new and stringent conditions to get public employment for the nominees of the freedom fighters. However, with another Resolution dated 28th August 2024, respondent No.1 cancelled its earlier Government Resolution dated 4th March 1991. Proceedings have been filed

either in this Court or before the Maharashtra Administrative Tribunal, whereby those nominees who had secured employment came to be protected. However, the petitioner association is of the opinion that the Government should provide horizontal reservation to the nominees of the freedom fighters. Such provision has been made in State of Goa, Haryana, Uttar Pradesh, Himachal Pradesh, Assam and Bihar, whereby quota has been created for the children of freedom fighters to get employment in the Government. Learned Advocate for the petitioner also points out that a meeting was held under the chairmanship of the then Chief Minister on 29th September 2022 and several decisions have been taken which are in favour of the members of the petitioner. However that decisions have not been implemented or it has not been culminated into Government Resolution.

3. Learned AGP waives notice for the respondents.

4. The first and foremost fact that is required to be noted is that certain Government Resolutions appears to have been there in the State of Maharashtra since 1976. However, either those have been modified or cancelled or some fresh stipulations appear to have been made. Even as per the pleadings of the

petitioner, Government Resolution came into effect from 25th September 2020, but according to the petitioner, the conditions are stringent. It has not been stated as to whether there was any challenge to that Government Resolution immediately after it had come into effect and what was the outcome of the same. Now as regards the Government Resolution dated 28th August 2024 is concerned, it is stated that it cancelled the earlier Government Resolution dated 4th March 1991, which was found to be outdated. Even now the petitioner is not challenging the said Government Resolution but the prayer is to give direction to the State to give opportunity to the nominees of the freedom fighters by providing 10% horizontal reservation. It fact it is a policy decision which cannot be entertained under the constitutional powers under Article 226 of the Constitution of India.

5. As regards the policies in the other States are concerned, we will only observe, to this extent, that each State can have its own policy. But if now the petitioners want that similar facilities to be given, then they will have to rest their claim on some provisions of law. As aforesaid, the Government Resolution dated 28th August 2024, is not under challenge in this Petition. Learned Advocate for the petitioner submits that the said Government

Resolution was recalled by subsequent Government Resolution dated 25th September 2024 and therefore, in whatever form it may be, the Resolution is in existence. Under such circumstance, there cannot be a necessity to have another policy only on the ground that the present policy is not suitable to the petitioner.

6. It appears that after the said meeting dated 29th September 2022, there are various representations made by the present petitioner to the Government and its officials and it appears that those have not been then decided or further process in respect of those representations has not been undertaken. At the cost of repetition, we would like to say that since the Court will not be able to enter into the arena of policy making decision or even direct it indirectly, at the most, this Court can direct respondent No.1 to decide or take further process in respect of the representations made by the petitioner on 15th October 2024, within a reasonable time.

7. With these observations, the Writ Petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE