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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3162 OF 2025

Shakeela Bano W/o Shakeel Ahmed Shaikh ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Ansari S. Ali, Advocate for the Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w Ms. Nisha Mehra, AGP for
Respondent Nos.1, 3 & 4/State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 19th NOVEMBER, 2025

P.C. :-

1. The Petitioner's husband died in harness on 3rd October, 2015. The Petitioner has more than two children born out of her marriage with the deceased. The learned Advocate for the Petitioner submits that the Petitioner does not dispute that as the third child was born much after 2005, the Petitioner has no case and she is prohibited from seeking employment on compassionate basis on account of having more than two children. He further submits that he has looked up and researched for case law and he finds that the

Petitioner has no case. He, therefore, submits that the Petitioner is at the mercy of the Court and sympathy may be shown.

2. We find from the heirship certificate dated 27th November 2015, issued in favour of the present Petitioner, that the third child was born 11 months prior to the date of the heirship certificate. The Petitioner has nowhere mentioned the date of birth of the third child. But she concedes that the third child was born much after 2005. As such, it appears that the third child was born in January, 2015 and the deceased passed away on 3rd October, 2015.

3. The Government Resolution dated 28th March, 2001 provides a cut-off date 31st December, 2001. The Government Resolution resulted into the introduction of the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005, which were introduced on 28th March, 2005. The proviso below Rule 3 of the said Rules prevents disqualification for appointment on compassionate basis, if the children more than two were born before the cut-off date.

4. In view of the above, we do not find any fault with the impugned order. The same cannot be termed as being perverse or

erroneous. We cannot agree with the contention of the Petitioner that the Petitioner is at the mercy of the Court and this Court can grant relief in such facts and circumstances.

5. In view of the above, this **Writ Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)