



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3827 OF 2021

BHARAT MADAN SAMUDRE

...Vs...

THE STATE OF MAHARASHTRA, THR. SECRETARY, DEPT. OF HEALTH, MUMBAI AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri G.G.Bade, Advocate for petitioner.

Shri S.M.Ukey, AGP for respondent(s)/State.

Shri/Ms. Kiran M. Israni, Advocate h/f. Shri R.R.Chabra, Advocate for respondent no. 4.

**CORAM: ANIL S. KILOR AND
RAJNISH R. VYAS, JJ.**

DATED : 01st DECEMBER, 2025.

The petitioner by way of present petition is raising a challenge to the order passed by the Maharashtra Administrative Tribunal, Nagpur (for short, "MAT") dated 8/4/2019 in OA No. 607/2015 dismissing the Original Application of the petitioner claiming appointment in the service on the ground that, his grandfather C.K.Samudre was in service of IGMC & Hospital, Nagpur and after him, Smt. Sumitra was also in service as a Sweeper on the establishment of Nagpur Municipal Corporation, Nagpur.

2. The petitioner is, therefore, claiming the appointment as per **Lad-Page Samiti (Committee)** being grandson of Smt. Sumitra. The O.A. was rejected on the ground that the petitioner is not a ward of Smt. Sumitra. This ground is contrary to the Government Resolution (GR) dated 29/10/1977, which permits such employment to the near relatives. We are of the opinion that such finding is illegal.

3. However, when Mr. Bade, learned counsel for the petitioner pressed the prayer for quashing and setting aside the appointment order of respondent no. 4, on the ground that, 'no objection' was not obtained from Smt. Sumitra before appointment of respondent no. 4. In reply, Shri Ukey, learned Addl. Government Pleader pointed out that, such 'no objection' was given by Smt. Sumitra.

4. Mr. Bade, learned counsel for the petitioner then argued that Smt. Sumitra never signs any document but she puts her thumb impression. For this purpose, the learned counsel for the petitioner relies upon the service book.

5. Whether Smt. Sumitra signs or she puts thumb impression, is a disputed question of fact, in which, this Court cannot go into. Considering the case of the petitioner that letter in the forum of no objection purported to be signed and submitted by Smt. Sumitra, is fabricated one or it was never submitted by Smt. Sumitra, the petitioner has to establish the said fact by leading evidence.

6. In such circumstances, the learned counsel for the petitioner, on instructions, seeks permission to withdraw the present petition with liberty to file an appropriate proceeding before the appropriate forum. Permission is granted.

7. Accordingly, the petition stands **disposed of** with liberty as prayed for.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)