



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.6920 OF 2023

Rohit Nitin Girbe

vs.

State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A. P. Bhuihar, Advocate for petitioner.
Mr. A. M. Kadukar, Assistant Government Pleader for respondent no. 1.
Mr. U. J. Deshpande, Advocate for respondent no.2.
Mr. S. S. Shingane, Advocate for respondent no.3.

CORAM :- ANIL S. KILOR and MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 14th AUGUST, 2025

P C.

The petitioner, who is the son of the respondent no.3, is seeking revocation of the appointment of his mother i.e. respondent no.3 made on compassionate ground in place of her husband on the ground that she is not maintaining him and thereby she violated the undertaking given by her while accepting such appointment.

2. It is argued that the undertaking was to maintain dependent members of the family, and since the petitioner is dependent, the respondent no.3 is duty bound to maintain him. It is argued that as the respondent no.3 failed to maintain the petitioner, she has violated the undertaking given by her and therefore the employer ought to have conducted an inquiry and after reaching to the conclusion or satisfaction that she has violated the undertaking, necessary action would have taken by revoking the appointment of the respondent no.3. The learned counsel for the petitioner has placed reliance on the judgment and order of the learned Family Court, Akola, in case no. E-63/2018 and the Government Resolution dated 21.09.2017 in support of his contentions.

3. It is evident that no such enquiry was conducted by the employer; however, this Court (Coram: Nitin W. Sambre and Mrs. Vrushali V. Joshi, JJ.) interacted with the petitioner and the respondent no.3. After the interaction, this Court had reached to the conclusion that the allegation that the respondent no.3 is not maintaining the petitioner is found to be incorrect.

4. In that view of the matter, even if the inquiry as sought by the petitioner not conducted, the purpose of holding such an inquiry is fulfilled by the interaction conducted by this Court.

5. In that view of the matter since the ground raised by the petitioner does not survive and further finding that the petitioner is now major, i.e. 21 years of age, he cannot be considered as dependent on the respondent no.3, we do not find any merit in the writ petition. The same is dismissed. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)

Andurkar.