

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12788 OF 2025

Ambika Chandrakant Susladi
W/o Chandrakant Mallesha Susladi ...Petitioner
VERSUS
The State Of Maharashtra And Others ...Respondents

Ms. Chintamani K. Bhangoji, Advocate for petitioner.
Mr. Rupesh Bobade a/w. Adv. Shradha Nakodi (through VC), Advocate for
respondent nos. 2 to 4.
Ms. Tejas Kapre, AGP for respondents-State.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : April 15, 2026.

P. C. :

- 1.** Heard Mr. Bhangoji, learned Counsel appearing for the petitioner, Mr. Bobade, learned Counsel appearing for respondent Nos. 2 to 4, and Ms. Kapre, learned AGP appearing for the respondents–State.
- 2.** In the present petition, the grievance raised by the petitioner is that, after the death of her husband, she is not receiving family pension and other retiral benefits solely on the ground that the deceased had not produced a Caste Validity Certificate during his service tenure.

3. It would be relevant to briefly refer to the facts of the present case. The deceased husband was appointed as a Primary School Teacher on 16th March 1992 against a post reserved for the Scheduled Tribe category (for short “ST”).

4. In the year 2013, general directions were issued to all concerned schools and their management by Education Department to produce the caste validity certificates of candidates appointed against reserved posts. Accordingly, the proposal of the petitioner was forwarded to the Caste Scrutiny Committee. By order dated 19th May 2015, the Caste Scrutiny Committee refused to consider the caste claim of deceased husband on the ground that in the Scheduled Tribe list, at Serial No.29, the caste is mentioned as “Koli Mahadev”, whereas the certificate produced was of “Mahadev Koli”. The deceased was therefore directed to produce a certificate in conformity with the nomenclature in the Scheduled list.

5. The deceased thereafter applied to the Competent Authority for issuance of a corrected caste certificate. However, after making such application on 1st August 2015, same was not received to him during his lifetime. As a result, he could not produce the requisite certificate before the Caste Scrutiny Committee.

6. After the death of husband of petitioner, she approached to the respondent No.2 for release of pensionary benefits as well as family

pension. But there was no response to her for a considerable period. In the meantime, a communication dated 23rd July 2024 issued by the Rural Development Department, State of Maharashtra, stating that in case deceased employee could not produce caste validity certificate then in such cases the family members would not be entitled to pensionary benefits of deceased. Relying upon the said communication, the respondents have declined to release pensionary and other retiral benefits.

7. In this backdrop, the petitioner has placed reliance on the judgments of this Court in Writ Petition No. 3718 of 1994 (*Prakash s/o Fulchand Barwal Vs. State of Maharashtra & Ors.*) and Writ Petition No. 14189 of 2024 (*Shri Vijay Anant Chavan Vs. State of Maharashtra*), contending that the issue is squarely covered. The learned Counsel for the respondents, however, has relied upon the communication dated 23rd July 2024 and submitted that they are bound by the same.

8. A perusal of the judgments relied upon by the petitioner indicates that they are directly applicable to the present case. In *Prakash Barwal* (supra), this Court has specifically observed in paragraphs 4, 5 and 6 as under:

4] During pendency of the writ petition, the original petitioner has died and his legal heirs are brought on record. Since the original petitioner has already died, the question regarding his claim of belonging to scheduled tribe does not

arise. The legal heirs of the original petitioner have restricted the claim in the present petition only for grant of family pension.

5] The petitioner was originally appointed on 18.7.1988. By virtue of interim order passed in the year 1994, the petitioner was directed to be reinstated. The original petitioner has died on 5.12.2003. Considering the date of appointment of the original petitioner to be 11/18.7.1988, the original petitioner has rendered the service of more than 15 years. As such the petitioner's widow would be entitled to the family pension. We accordingly extend the benefit of family pension to the widow of the original petitioner i.e. present petitioner no.1 – Smt.Shobhabai w/o Prakash Barwal.

6] We, therefore, dispose of the writ petition by directing the respondents to give the benefits of family pension to the widow of the original petitioner from the date of his death i.e. 5.12.2003. The said benefit be extended to the widow of the petitioner namely Smt.Shobhabai w/o Prakash Barwal within a period of six months from today along with the arrears. No order as to costs.

9. The view expressed by this Court in *Prakash Barwal* (supra) has also been relied upon in the case of *Shri Vijay Anant Chavan* (supra), wherein paragraph 7 reads thus:

7. In similar set of facts, this Court (Coram : Ravindra V. Ghuge and S.G. Mehare, JJ.) delivered a judgment on 20th July, 2021 in Writ Petition No.6485 of 2020 at Aurangabad (Sunita w/o Late Pradip Thakar Vs. State of Maharashtra and Ors.) and by placing reliance on a judgment of this Court dated 12th August 2010, delivered in Writ Petition No.3718 of 1994 (Prakash Fulchand Barwal since deceased through his Legal Heirs Smt. Shobhabai Barwal and others Vs. The State of Maharashtra and Ors.), allowed the claim of Sunita and directed the payment of family pension and all retiral benefits as would have been admissible to the deceased employee had he superannuated from service. For similar reasons, this Court has delivered several judgments which are annexed to the Petition paper-book.

10. In the present case, it is evident that the deceased had submitted his caste claim to the Caste Scrutiny Committee and had taken steps to rectify the discrepancy. However, due to his unfortunate demise, the

process remained incomplete. In these peculiar facts, the judgments relied upon by the petitioner are squarely applicable.

11. It is a settled position of law that pension is not a bounty but a right, and an employee is entitled to receive all benefits for the service rendered. In present case, deceased has rendered service from 16th March 1992 till his death on 26th January 2022, i.e. nearly 30 years. As such petitioner being legal heir of deceased is entitled for all pensionary benefits of deceased.

12. Accordingly, the petition is allowed.

13. Respondent Nos. 2 to 4 are directed to release all retiral benefits of the petitioner's husband to the petitioner, along with all consequential benefits including family pension, within a period of three months from the date of this order.

14. The Writ Petition stands disposed of in the above terms. Consequently, Interim Application, if any, also stands disposed of.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]