

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15309 OF 2025

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Sandhya Shrikant Pardeshi

Aged 58 Yrs. Occ. Nil, Retired as
Primary Teacher, Zilla Parishad School,
Awankhed Tal. Dindori, Dist. Nashik,
R/o. Krishna Kunj Bangla, Shivtej Nagar,
Peth Road, Nashik.

....Petitioner

Versus

1] The Block Education Officer

Panchayat Samiti, Dindori,
Dist. Nashik.

2] The Chief Executive Officer,

Zilla Parishad, Nashik.

3] The State of Maharashtra,

Through the Principal Secretary,
Rural Development Department,
Having Office at Mantralaya,
Mumbai — 400 032.

....Respondents

...

Mr. Gaurav Bandiwadkar, Advocate for the Petitioner.

Mr. B. V. Samant, Addl. GP a/w. Ms. Priyanka Chavan, AGP for the
Respondent – State.

Mr. Ashwin R. Kapadnis, Advocate for Respondent Nos.1 and 2.

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CORAM : RAVINDRA V. GHUGE

&

ABHAY J. MANTRI, JJ.

DATE : 26th MARCH, 2026

ORAL JUDGMENT: (Per Ravindra V. Ghuge, J.)

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. This case brings forth peculiar facts and circumstances. The Petitioner's maiden name is Sandhya Balaramsingh Maliye. She belongs to the 'Kumavat Kshtriya Caste' which she derived from her biological father. This caste is not included in any Reserved Category and the Petitioner concedes that she is from the Open Category. The Petitioner married Shrikant Bhika Pardeshi. He belongs to the 'Hindu Beldar' community which is said to be included in NT (B) Category.

3. The peculiarity of this case is that the Respondent-Zilla Parishad appointed her as an Assistant Teacher in the Primary Section after her marriage, on 28th September 1992, on the presumption that she belongs to the reserved NT(B) category. In short, she was appointed as an Assistant Teacher on the basis of the reservation, on a post which was reserved for the NT(B) category.

4. The Petitioner superannuated on 31st August 2025 as an

Assistant Teacher. She claims that she derived no benefit of her husband's social status for the purpose of promotion or service benefits. She never became the Headmistress of the school.

5. The issue is as to whether the Zilla Parishad can withhold her retirement benefits.

6. Insofar as the facts are concerned, there is no dispute before us. It is equally undisputed that a person derives his/her social status from his/her father. The learned Advocate for the Petitioner submits that, the State of Maharashtra had brought out a Government Resolution, by virtue of which married women were permitted to take benefit of any reservation available on the basis of the caste/tribe of the husband. In 1996, the said benefits were withdrawn.

The learned Advocate for the Petitioner is regretful that neither the Petitioner nor he himself is able to trace out the said GR. Such GR is not placed before us by the State as well as the ZP.

7. In our view, nothing would now turn upon the said GR even if it ever existed, for the reason that the Petitioner has worked

for 33 years in employment from September 1992. There is no mention in her service book that she was included in any reserved category when she was appointed. Even if it is assumed that her social status from the Open Category is applicable after 1996, she has still worked for 29 years from the Open Category and has not received any service benefits available to a Reserved Category on the strength of her husband belonging to NT(B) category.

8. We do not find any element of deceit or misrepresentation or fraud on the part of the Petitioner. She has never claimed a Validity Certificate on the basis of her husband's social status. The Petitioner's appointment order does not in any manner indicate that she was appointed on a post which was reserved for the NT(B) or a reserved category. The record clearly indicates that the Zilla Parishad never ever called upon the Petitioner to tender a Validity Certificate until her superannuation.

9. As such, though the learned Advocate for the Zilla Parishad may have strenuously opposed this Petition and prayed for the dismissal of this Petition, the Petitioner is supported by the view taken by the Hon'ble Supreme Court in *R. Sundaram vs. Tamil*

*Nadu State Level Scrutiny Committee & Ors.*¹ and a judgment delivered by the Division Bench of this Court at the Nagpur Bench on 25th August, 2023 in Writ Petition No.2904 of 2022 (*Hemant s/o. Govindrao Langhe vs. Deputy Director & Anr.*).

10. Considering the above, **this Petition is allowed.**

11. The Petitioner's proposal for pensionary benefits shall be forwarded by the Zilla Parishad to the appropriate authority, within a period of 30 days from today. The concerned authority/State shall clear the pension proposal of the Petitioner, concluding that the Petitioner is entitled for pensionary benefits and such an approval shall be granted within 45 days, thereafter. The Petitioner's payment of pension shall commence and all arrears of pension shall be paid to the Petitioner within 45 days from the date of the formal order to be passed by the State approving the pension.

12. In the event the above timeline is missed by the Zilla Parishad or the State, and the amounts are not paid within the timeline ordered, the Petitioner would be entitled for interest at the

¹ (2023) SCC OnLine SC 287

rate of 6% per annum from the date the pension became payable and the department shall recover the interest component from the officer who can be held responsible for the delay.

12. **Rule is made absolute in the above terms.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)