



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

WRIT PETITION NO.6232 OF 2025

PETITIONERS : 1 **Vyankatrao Bakaram Jiwtode,**
Aged 85 years, Occ: Cultivator.
2 **Rupal Anil Jiwtode,**
Aged 18 years, Occ: Student.
Petitioner no.1 and 2 Both R/o
Patakakhedhi, Nagpur, Maharashtra.

..VERSUS..

RESPONDENTS : 1. **Western Coalfields Ltd.,** Through its Area
General Manager, Nagpur Area, P.O.
Kasturba Nagar, Jaripatka, Nagpur.
2. **Sub Area Manager,** WCL, Saoner Sub Area,
P.O. Saoner, District Nagpur.
3 **Area Planning Officer,**
Nagpur Area, P.O. Kasturba Nagar,
Jaripatka, Nagpur.

Ms Sumiti S. Oza, Advocate for Petitioners.
Shri. S. S. Jaiswal, Advocate for Respondents.

CORAM : **ANIL S. KILOR AND RAJ D. WAKODE, JJ.**

DATE : **26th MARCH, 2026.**

JUDGMENT : (PER : RAJ D. WAKODE, J.)

1. Heard Ms. Sumiti S. Oza, learned counsel for the
petitioners and Shri. S. S. Jaiswal, learned counsel for the
respondents.

2. **Rule.** Rule made returnable forthwith. The writ petition is heard finally with the consent of the learned counsels appearing for the respective parties.

3. Facts, leading to the present writ petition, are as follows :

3.1. The petitioner No.1 is the original owner of the land acquired by respondent No.1 – Western Coalfields Ltd., for a mining project. The detailed description of the acquired land is as follows :

i) Khasra No.155, Area 1.28 HR, Mouza Patakakhedhi.

3.2. The petitioner No.1 had submitted an application to respondent No.2 – Sub Area Manager, WCL, stating that he has three children, namely Anil Vyankatrao Jivtode, Dinesh Vyankatrao Jivtode and Kiran Ramesh Darhe. However, since they are all old and not in a position to take employment offered by respondent No.1, he requested that employment be provided to his granddaughter i.e. petitioner No.2 – Rupal Anil Jivtode.

3.3. Respondent No.1, *vide* impugned communications dated 23.09.2023 and 14.02.2025, replied that the employment cannot be provided to the granddaughter as per the provisions of the R and R Policy of CIL 2012. The petitioner No.1, *vide* letter dated

21.06.2025 addressed to respondent No.3 – Area Planning Officer, pointed out that in a recent judgment passed by the Hon'ble High Court, Nagpur, the granddaughters are also held entitled to employment. The respondents, however, preferred to ignore the aforesaid communication dated 21.06.2025 so also the judgment of this Court dated 23.01.2014. Being aggrieved by the said inaction, the petitioners have approached this Court by filing the present writ petition.

4. The respondent Nos.1 to 3, in response to the notice of this Court, have filed their reply on 19.01.2026. The main thrust of their case is in para 4 of the reply, which reads thus :

“4. The present Respondents respectfully submit that the impugned communication issued by Respondent is valid, legal and strictly in accordance with the provisions of law and the applicable policy. In the present petition, Petitioner No.1 has sought employment in favour of Petitioner No.2, who is her granddaughter. It is submitted that such a claim is wholly misconceived and not maintainable in law, inasmuch as a granddaughter is not entitled to be considered for employment under the R&R Policy 2012. The Petitioner No.2 does not fall within the prescribed definition of "family" or "dependant" for the purpose of granting such relief, and therefore, the Respondents have rightly rejected the said request.”

5. Having heard the learned counsels appearing for the respective parties, the main issue in question is as to whether the petitioner No.2 – granddaughter is entitled to be considered for employment under the R and R Policy of the present respondents. The aforesaid issue is no more *res integra*, in view of the judgment

of this Court in the case of Namdeo and Another vs. Western Coal Fields Ltd., and Others, reported in 2024 SCC OnLine Bom 2156.

This Court, while dealing with an identical issue, has held as under :

"In the above background, the question needs to be answered whether petitioner No. 2 a grand-daughter is entitled for employment as per R & R Policy. The learned counsel appearing for petitioner would submit that since the Notification under Section 9(1) of the Act of 1957 was issued on 22.10.2011, the then prevailing R&R Policy of 2008 would apply. The term "family" defined in the old policy of the year 2008 reads as below:-

"family" includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood and includes "nuclear family" consisting of a person, his or her spouse and minor children."

(Emphasis supplied)

In said context, it is submitted that grand-daughter being other relative of the land owner, she is entitled for employment. To substantiate said contention, the petitioner relied on the decision of this Court in case of Pradip s/o Vithoba Bhoyar v. Union of India, (Writ petition No. 5802/2012, decided on 23.01.2014). In the said decision, based on the old policy of the year 2008, it has been held that the term "family" is not exhaustively defined but an inclusive one. The said policy is a beneficial piece of subordinate legislation brought with an avowed purpose of re-settling persons, who have been destabilized on account on acquisition of their land. The construction which advances the purpose, has to be preferred than the construction which defeats the purpose. With such observations, it is held that a grand-son (daughter's son) is entitled for an employment.

We have revisited the facts to ascertain whether as per the then prevailing policy of 2008, grand-daughter could find place in the term "family". In case of Pradip Bhoyar (supra), while considering the case of grand-son based on the policy of 2008, this Court took a view that the definition of term policy is inclusive which would include grand-son since the term "other relatives" has been employed in the definition. Failing in same line, we find no hesitation to include grand-daughter by applying same analogy.

Even assuming that policy of the year 2012 would apply, however, admittedly by way of circular dated 13.02.2023, grand-son has been included in the term

"family" in the policy of the year 2012. There is no denial that by said circular, grand-son has been included in new policy. In said context, we see no justification to make discrimination only on the basis of gender to exclude grand-daughter. The respondent is unable to justify exclusion of grand-daughter when they themselves have included grand-son in the new policy. Therefore, we are of the considered view that merely on the basis of gender discrimination grand-daughter cannot be excluded. Moreover, as per inclusive definition of the term 'family' made in old policy, grand-daughter is also eligible."

6. In view of the above, in our considered opinion, the petitioner No.2, who is the granddaughter, deserves to be included in the term "family" in the policy of the year 2012. On the basis of the principles, for inclusion of grandson in the term of family, there is no reason why a granddaughter, who lives with and relies on her grandfather, should be excluded. Excluding her would violate the principles of equality and fairness and would be contrary to public policy, which seeks to provide relief to the needy and ensure the general welfare of citizens. That a narrow and technical interpretation of term "family" would amount to injustice and the respondents' failure to consider petitioner No.2 a "granddaughter" has resulted into substantive injustice which is contrary to the object of the R and R Policy 2012.

7. For the reasons stated aforesaid, the impugned communications dated 23.09.2023 (Annexure – I) and 14.02.2025 (Annexure – II) issued by respondent No.1 rejecting the request of the petitioner No.1 to grant employment to petitioner No.2, are hereby quashed and set aside.

8. The respondent - Western Coalfields Ltd., shall consider the name of petitioner No.2, being the nominee, for grant of employment, if petitioner No.2 is otherwise eligible. It is made clear that the nomination of petitioner No. 2 shall not be rejected on the ground which we have dealt with here-in-above. The necessary exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this judgment.

9. The present writ petition is, accordingly, disposed of. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)