



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3661 OF 2024

Smt.Aakriti Singh Sood

... Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr.Ashutosh A. Kumbhakoni, Sr.Advocate i/b Ms.Sneha S. Bhange for
the Petitioner

Ms.P.J.Gavhane, A.G.P. for the State

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 4th April, 2024

P.C.

1. We had passed a detailed order on this petition on 14th March 2024 requesting the Respondent No.1 / Hon'ble the Chief Minister to consider the peculiar facts of the present case and without the same being treated as a precedent, take an appropriate decision considering the fact that the prayer as made in the petition, is of the petitioner who is a widow of late Martyr Maj.Anuj Sood, who at a young age of 30 years, sacrificed his life for the country. He laid down his life on 2nd May 2020, while rescuing civilian hostages. The Hon'ble President of India awarded "Shourya Chakra" to late Maj.Anuj Sood.

2. In the above circumstances and considering the policy of the State Government, as contained in the G.R. dated 4th October 2000, we passed a detailed order setting out the reasons as to why the case of the petitioner needs to be considered by the Hon'ble Chief Minister for grant of benefit under such policy as a special case.

3. In our opinion, a positive approach of the State Government on such issue is certainly what would be expected. We had hence, adjourned the proceedings on the earlier occasion, when we were informed that it would not be possible to take a decision in view of the election code of conduct being notified in view of the ensuing election. However, in our order dated 14th March 2024, we clarified that in taking such a decision, the code of conduct certainly ought not to be an impediment, inasmuch as such decision would be taken in view of a prior order passed by this court. Accordingly, we had adjourned the proceedings.

4. Today, the learned A.G.P. has placed on record letter dated 1st April 2024 addressed by the Assistant Secretary, General Administration Department setting out the reasons as to why the decision could not be taken and placed on record before this court. The said letter is taken on record and marked 'X' for identification.

5. However, what is significant to be noted in the letter is that the State Government is stated to be seriously considering the issue and that decision to

be taken thereon. It is however, stated that, on account of administrative issues, which are set out in paragraph 3 of this letter, time of four weeks would be required. We do not find ourselves in complete agreement with the reasons as set out on paragraph 3 to grant a long adjournment as sought on the ground of so-called administrative issues of the higher officers of the concerned department to be a reason for the decision to be delayed.

6. When we say so, we are conscious of the fact that State Government certainly can take lightning decisions on several issues and as compared to such decision, present issue is a small but a needy issue touching the family of a martyr and that too, for the highest functionary of the State of Maharashtra.

7. The concerned department and the higher officers of the State Government need to be alive to the cause being pursued by the petitioner and in the light of the orders passed by us, put up the file before the Hon'ble Chief Minister for his decision at the earliest.

8. We expect that the concerned officer would certainly do so. We accordingly, accept the request of the learned A.G.P. to enable the Hon'ble Chief Minister to take a decision on the issues in the light of our order dated 14th March 2024.

9. We accordingly, adjourn the proceedings to **10th April 2024, High on Board.**

10. Parties to act on an authenticated copy of this order.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI , J.)