

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.127/2020**

**DISTRICT:- AURANGABAD**

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Smt. Resha wd/o Panditrao Karhale,  
Age: 49 Years, Occu- Nil,  
R/o.: Old Bhausingpura,  
Near Shiv Parvati Mandir,  
Aurangabad.

**...APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
Through its Secretary,  
General Administration Department,  
M.S., Mantralaya, Mumbai-400032.

2. The Commandant General,  
Home Guard, Maharashtra State,  
Old Secretariat Building Annex,  
3<sup>rd</sup> Floor, M.G. Road, Mumbai-32.

3. The District Commandant,  
Home Guard, Beed, Avargaonkar Building,  
Sathe Chowk, Beed – 431 122.

4. The Collector Jalna,  
Survey No.488, Ambad Chowk,  
A'bad – Nagpur Road, Old Jalna,  
Jalna – 431213.

**...RESPONDENTS**

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APPEARANCE :Shri Avinash S. Deshmukh, Counsel for  
Applicant.

:Smt. Deepali Deshpande, Presenting  
Officer for the respondent authorities.

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**CORAM : JUSTICE SHRI V.K.JADHAV, VICE CHAIRMAN  
AND  
SHRI VINAY KARGAONKAR, MEMBER (A)**

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**Reserved on : 21-03-2025**

**Pronounced on : 22-04-2025**  
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**O R D E R****[Per : Justice V.K.Jadhav, VC]**

1. Heard Shri Avinash S. Deshmukh, learned Counsel for the Applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.
2. Heard finally with consent of parties at the admission stage.
3. By filing this O.A. the applicant is seeking quashing and setting aside the order of termination dated 01-02-2020 (Annexure A-10) issued by respondent no.2. The applicant is also seeking direction to the respondents for reinstatement in service with all consequential benefits to which she would become entitled in view of grant of aforesaid prayer clause.
4. Brief facts stated by the applicant giving rise to this Original Application are as follows:

[a] The husband of the applicant, namely, Pandit Asaram Karhale was nominated on 04-03-1992 by Smt. Kausalyabai Ganpat Solanke, widow of Freedom Fighter Mr. Ganpat Ashruba Solanke for availing benefit of Government employment in view of the policy of the State

Government of giving employment either to the freedom fighter or his nominee.

[b] On the basis of above referred nomination effected in his favour, husband of the applicant Mr. Pandit Asaram Karhale was given appointment by respondent no.2 on 19-10-1992 as a Hawaldar Lipik. The husband of the applicant Mr. Pandit Asaram Karhale had worked as Home Guard till 07-04-2003 when he died in harness while working at Jalna.

[c] Applicant applied for compassionate appointment by filing requisite application. On 09-07-2007 the respondent no.2 was pleased to give her an appointment as a Hawaldar Lipik on compassionate ground (Annexure A-2). In furtherance of the said appointment the applicant had joined as Hawaldar Clerk on 13-07-2007 under the District Commandant, Home Guards at Jalna. Since then the applicant was discharging the duties in the Home Guard department till issuance of the order terminating her services.

[d] As far as the nomination by the freedom fighters in favour of the relatives for seeking benefit of the Government employment an issue had cropped up in as

much as there were allegations that those nominations were effected in favour of such persons who did not fall within the relations as prescribed in the Government policy. On the said background, there was a spate of litigations before the Hon'ble Bombay High Court Bench at Aurangabad and even the Hon'ble Bombay High Court Bench at Aurangabad was pleased to issue certain directives to conduct enquiries about such nomination letters issued by the freedom fighters or their respective widow/widower.

[e] In terms of the directives issued by the Hon'ble Bombay High Court Bench at Aurangabad, respondent no.4 was pleased to issue a notice on 30-12-2013 to Smt. Kausalyabai Ganpat Solanke and the husband of the applicant directing them to remain present before the Collector, Jalna on 09-01-2014 for establishing the truthfulness of the nomination letter dated 04-03-1992. At that time, the husband of the applicant so also Smt. Kausalyabai Ganpat Solanke, were not alive.

[f] In spite of the aforesaid factual and legal background, respondent no.4 was pleased to issue order on 11-03-2014 thereby declaring that the nomination of

the applicant's husband by Smt. Kausalyabai Ganpat Solanke was invalid (Annexure A-5).

[g] Respondent no.4 had sent a communication dated 18-09-2014 to respondent no.3 conveying the fact of cancellation of nomination of applicant's husband for necessary action (Annexure A-6).

[h] Respondent no.3 after receipt of the aforesaid communication from respondent no.4 did not take any further action and resultantly nothing happened thereafter.

[i] Under the above mentioned circumstances after lapse of more than 5 years on 05-12-2009 respondent no.2 was suddenly pleased to issue notice to her as to why her services not to be terminated in view of the fact that the nomination of her husband was cancelled (Annexure A-7). There is a reference in the said communication about the order passed by the Hon'ble Bombay High Court Bench at Aurangabad in Writ Petition No.8009/2014. The applicant had submitted reply to the said show cause notice.

[j] By impugned order dated 01-02-2020, respondent no.2 was pleased to issue order terminating services of the applicant (Annexure A-10). Hence, this O.A.

5. Learned Counsel for the applicant submits that the impugned order dated 01-02-2020 issued by respondent no.2 is illegal, arbitrary, high handed, irrational and illogical as a result of total non-application of mind and it is a colourable exercise of powers.

6. Learned Counsel for the applicant submits that the termination of the applicant is based upon such an action of respondent no.4 of cancelling nomination of applicant's husband which in itself was a nullity as the same was taken by respondent no.4 in the year 2014 i.e. after more than 10 years from the date of death of the applicant's husband. Thus, the said order itself is ab-initio void, illegal and nullity in law and it could not be made the basis by respondent no.2 to terminate the applicant's services.

7. Learned Counsel for the applicant submits that directives issued by the Hon'ble High Court in Writ Petition No.8009/2014 were applicable only to such nominees of the

freedom fighters who were in service and were not applicable to the persons like applicant's husband who had expired long back in the year 2003. Respondent no.2 should not have terminated the applicant's services by taking recourse to those directives.

8. Learned Counsel for the applicant submits that very action of respondent no.4 of issuing notice dated 13-12-2013 to applicant's husband who had already expired 10 years back was itself wrong and illegal. Thus, the action of cancellation of nomination taken on its basis was also rendered unsustainable and untenable in law.

9. Learned Counsel for the applicant submits that in view of the specific provisions contained in Rule 13(iv) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 no disciplinary action or any other proceedings could be conducted against a dead person, likewise it was simply not open, legal and permissible for the respondents to proceed against the deceased husband of the applicant after 10 years of his death and to cancel his nomination. Thus, their action of cancellation of the nomination was untenable and unsustainable in law.

10. Learned Counsel for the applicant submits that there is absolutely no fraud or illegality having been committed

by the applicant while securing the compassionate appointment in the year 2007 in view of the death in harness of her husband for taking the impugned action of termination. Respondent no.2 has punished the applicant for the so-called and unestablished act of her husband of obtaining the Government employment on the basis of false nomination letter. Thus, the impugned order of termination issued by respondent no.2 being otherwise bad in law is liable to be quashed and set aside with further directions to the respondents to reinstate the applicant in service with all consequential service benefits.

11. Learned P.O. on the basis of the affidavit in reply filed on behalf of respondent no.1 and 4 submits that as per the office record of the relevant period Smt. Kaushalyabai Ganpat Solanke, the widow of the deceased freedom fighter Ganpat Ashruba Solanke had nominated Pandit Asaram Karhale (husband of the applicant) on 04-03-1992 for availing the benefit of Government employment in view of the existing policy of the State Government regarding the employment.

12. Learned P.O. submits that on the basis of directives issued by the Hon'ble High Court in PIL No.43/2011 vide order dated 26-07-2012, the office of the District Collector, Jalna issued notices through the inquiry committee to all the



concerned including the present applicant for establishing their respective claims about the truthfulness of the nominations. Persons who were reported to be dead, notices of hearing were duly issued to their legal representatives and no such proceedings ever conducted against the dead persons without granting an opportunity to their legal representatives.

13. Learned P.O. submits that notice of hearing in present case was dated 30-12-2013 and it was apparently issued to the concerned as per the record available with the office at that moment, however, since the persons in the notices are reported to be dead, their representatives duly caused their appearance before the inquiry committee. Hence, the enquiry was proceeded in the matter. In this backdrop, the enquiry/notice could not be termed as *per se* wrong, illegal and bad in law as the present applicant entered into shoes of her deceased husband and thus cause still survives. Thus, on the basis of subject nomination dated 04-03-1992 the truthfulness of the same was scrutinized by the inquiry committee. The inquiry committee decided the nomination dated 04-03-1992 in the touchstone of relationship prescribed vide G.Rs. dated 24-06-1997, 10-01-1985, 12-02-1988 and 06-08-2004. By order dated 11-03-2014 the District Collector, Jalna declared the nomination of the applicant's husband by Smt. Kaushalyabai

Ganpat Solanke as invalid on the basis of the statement given by both the sides during the enquiry.

14. Learned P.O. submits that in terms of the directives issued by the Hon'ble Bombay High Court Bench at Aurangabad in PIL No.43/2011 and Writ Petition No.8009/2014, any such candidate who had availed benefit of Government employment on the basis of erroneous, forged claim, as a nominee of the freedom fighter then such candidate will have to be removed from the services and no such candidate was retained in the Government service on the basis of such claims. Learned P.O. submits that, it could not be said that, the directives issued by the Hon'ble High Court are applicable only in case nominees of the freedom fighters who survive and no action would be initiated against the other employee who has acquired or derived the right of Government employment from the nominee of the freedom fighter who is no more alive.

15. Learned P.O. submits that the present applicant had appeared before the inquiry committee, participated in the enquiry and even her statement was recorded before the committee. Statement which is given by the present applicant

dated 09-01-2014 wherein she categorically stated that the relationship between her husband and widow of the freedom fighter, namely, Smt. Kaushalyabai Ganpat Solanke is unknown to her and the said Smt. Kaushalyabai Ganpat Solanke at the relevant time issued the nomination in favour of her deceased husband as being the real son of her sister-in-law is not within her knowledge. The statement of Baburao Ganpat Solanke who is the son of the deceased freedom fighter was also recorded by the committee. Said Baburao Ganpat Solanke also denied the inter-se relationship and stated that he has two real aunts, (sisters of his father), by name Champabai Ramrao Tangde, resident of Jamb Samarth and Sonabai Laxman Shinde r/o. Jawla, Tq. Purna. Moreover, Circle Officer, Division Partur has also carried out Panchnama by visiting the residence of the deceased freedom fighter and submitted his report along with genealogy before inquiry committee. Thus, considering all the documentary evidence, statements of the parties and the Panchnama carried out by the Circle Officer in the enquiry, the inquiry committee, consciously, with reasoned order invalidated the nomination no.208 dated 04-03-1992 which was issued in favour of the deceased husband of the present applicant. Learned P.O., therefore, submits that there is no merit in this O.A. and the same is liable to be dismissed.

16. Learned Counsel for the applicant on the basis of rejoinder affidavit of the applicant submitted that the notice dated 30-12-2013 was issued by respondent no.4 to the widow of the freedom fighter i.e. Smt. Kaushalyabai Ganpat Solanke and Pandit Asaram Karhale and it was issued in the light of the directives issued by the Hon'ble High Court in PIL No.43/2011. It appears from the final orders passed in PIL No.43/2011 dated 26-07-2012 and the final order dated 25-02-2019 passed in Writ Petition No.8009/2014, the Collector, Aurangabad and Collector, Jalna were directed to initiate appropriate enquiry/investigation in view of the G.R. dated 24-06-1997 and arrive at appropriate conclusion after hearing all the concerned/beneficiaries and to execute the decision given initially in the affidavit of the Government filed in February, 2015 as against 48 nominees, respectively. Learned Counsel submits that the Hon'ble Bombay High Court Bench at Aurangabad was pleased to issue directives to proceed against the beneficiaries and 48 nominees only. Learned Counsel submits that applicant was neither beneficiary of the policy of the State Government of giving appointments to the nominees of the freedom fighters nor the one amongst the 48 nominees in respect of whom the action was ordered to be executed by the

Hon'ble High Court vide its order dated 25-02-2019 in Writ Petition No.8009/2014.

17. Learned Counsel submits that appointment given to the applicant way back in the year 2007 could not have been terminated by the respondent no.2 after more than 12 years in the above mentioned peculiar facts and circumstances when in the year 2012 itself the applicant came to be promoted as Senior Clerk from the post of Hawaldar Lipik.

18. Learned Counsel submits that the inquiry committee had decided the truthfulness of the nomination of her husband dated 04-03-1992, however, in view of the death of her husband way back in the year 2003 itself it was not open, legal and permissible to conduct an enquiry regarding truthfulness of his nomination. Further, her husband had not transferred the benefits to the applicant. Further, the very action of conducting the enquiry into the truthfulness or otherwise of the nomination of the husband of the applicant is illegal and there is no substance in saying that the applicant has not challenged the order dated 11-03-2014 of cancellation of nomination of her husband.

19. Learned P.O. on the basis of sur-rejoinder of the respondent no.2 and 3 submits that, one Shri P.N.Mone,

resident of Aurangabad made the complaints to the Collector Office, Jalna vide letter dated 13-04-2009 about securing the employment by false and bogus nominations of the freedom fighters and also filed Public Interest Litigation (PIL) before the Hon'ble Bombay High Court Bench at Aurangabad vide PIL No.43/2011. Accordingly, enquiry was started to check the legality of the nomination letter given by the freedom fighters under the chairmanship of the Additional Collector, Jalna. Learned P.O. submits that the husband of the applicant, namely, Pandit Asaram Karhale was nominated by freedom fighter Smt. Kausalyabai Ganpat Solanke as her nephew vide nomination no.208 dated 04-03-1992. As per the report of the inquiry committee, said nomination no.208 dated 04-03-1992 was found to be illegal and hence it was cancelled. Thus, original appointment of Pandit Karhale was illegal on the basis of false nomination. After the death of Pandit Karhale as per the prevailing policy of the Government his wife i.e. present applicant was given appointment as legal heir on compassionate ground. The Hon'ble Bombay High Court Bench at Aurangabad by order dated 12-03-2019 in Writ Petition No.8009/2014 directed to terminate the services of all the concerned employees.

20. We have carefully gone through the orders passed by the Hon'ble Bombay High Court Bench at Aurangabad in PIL No.43/2011 dated 26-07-2012 and Writ Petition No.8009/2014 dated 25-02-2019. PIL No.43/2011 was filed by one Pandurang Nivrutti Mone wherein the issue was raised that in Aurangabad and Jalna districts sizeable number of persons have been benefitted by getting services as nominee of the freedom fighters. Consequent to the notice issued, Collector Aurangabad and Collector, Jalna have filed their respective affidavits in reply. On instructions, learned AGP had made the statement that both the Collectors would take appropriate decision in this regard keeping in view the policy of the State. It was also stated that the preliminary investigation points out that in some cases the persons have utilized benefits being nominees of freedom fighters which they do not deserve. Accordingly, the Division Bench of the Hon'ble Bombay High Court Bench at Aurangabad in the aforesaid PIL No.43/2011 had directed Collector, Aurangabad and Jalna to initiate appropriate enquiry/ investigation in accordance with G.R. dated 24-06-1997 and arrive at appropriate conclusion after hearing all the concerned, beneficiaries.

21. It is the part of the record that, initially, notices were issued to the deceased husband of the applicant so also

the said deceased Kausalyabai. Respondent no.2 in compliance with the order issued by the Hon'ble Bombay High Court Bench at Aurangabad, as stated above, initiated further course of action against the present applicant. It is also not disputed that present applicant had appeared before the enquiry officer, participated in enquiry and even her statement was recorded before the inquiry committee on 09-01-2014. It appears that the applicant has conveniently shown her ignorance about relationship between her husband and the widow of the freedom fighter, namely, Smt. Kausalyabai Ganpat Solanke. Admittedly, said Smt. Kausalyabai Ganpat Solanke, at the relevant time issued nomination in favour of deceased husband of the applicant as being real son of her sister-in-law. In this regard statement of Baburao Ganpatrao Sonake, recorded by the inquiry committee is important. He is the son of the deceased freedom fighter Ganpat Ashruba Solanke. Said Baburao Ganpatrao Sonake has denied the inter-se relationship and further stated that he has two real aunts, (sisters of his father) by name, Champabai Ramrao Tangde, resident of Jamb Samarth and Sonabai Laxman Shinde r/o. Jawla, Tq. Purna.

22. In this context, we have carefully perused the order dated 11-03-2014 passed by the inquiry committee (Exhibit R-1), collectively, statement of the applicant, statement of said



Baburao Ganpat Solunke and the genealogy Panchnama prepared by the Circle Officer Partur, which are the annexures of the said report. We have also gone through the said Panchnama prepared by the Circle Officer dated 08-08-2011. Said genealogy was prepared on the basis of thorough enquiry in the village and on the basis of inter-se relationships as revealed during the course of enquiry by the Circle Officer. As per the genealogy the deceased freedom fighter Ganpatrao Ashruba Solanke was survived by his wife Kausalyabai Ganpatrao Solanke. The deceased freedom fighter Ganpatrao had one brother Radhakishan Ashruba Solanke who is also no more, however, names of children of Radhakishan (deceased) are mentioned in detail in the genealogy. Furthermore, the deceased freedom fighter Ganpat Ashruba Solanke had two sisters, namely, one Champabai Ramrao Tangde (deceased) and Sonabai Laxman Shinde (deceased), presently survived by their respective children and their names are mentioned in the genealogy. It is concluded in the report/Panchnama that the deceased employee Pandit Asaram Solanke (husband of the applicant) was not nephew of the freedom fighter Ganpat Ashruba Solanke and his widow Smt. Kausalyabai Ganpat Solanke.

23. We find no substance in the argument made on behalf of the applicant that the enquiry was conducted against the dead persons. Undisputedly, the applicant had not participated in the recruitment process and got selected on her respective post held by her. She was appointed on compassionate basis due to death of her deceased husband Pandit Asaram Solanke. Said enquiry by the office of District Collector, Jalna was conducted in view of the directives issued by the Hon'ble Bombay High Court Bench at Aurangabad in PIL No.43/2011.

24. We do not agree with the submissions made on behalf of the applicant that, directions about the enquiry given by the Hon'ble Bombay High Court Bench at Aurangabad were only to the extent of nominees and not against others. If we accept the submissions made on behalf of the applicant like this, that would not only be mockery of justice but also defeat the very purpose of directives issued by the Hon'ble Bombay High Court Bench at Aurangabad in PIL No.43/2011 vide order dated 26-07-2012.

25. There is one another angle to this discussion. There is a common law principle that the courts will not assist the party whose case is based upon an immoral or illegal act. This

principle is known as “*Ex Turpi Causa Non Oritur Actio*” meaning that, “No action can arise from an illegal act”. It is also referred as the “Illegality Defence Principle” or the “Defence of Illegality”.

26. The said maxim “*Ex Turpi Causa Non Oritur Actio*” is particularly relevant in connection with the litigation pertaining to law of contract, tort and trusts. This principle came to be discussed in a very old case of **Holman Vs. Johnson**, reported in (1775) 1 Cowp 341, 343, wherein Lord Mansfield set out rationale for the illegality doctrine “No court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act”. Lord Mansfield in **Holman Vs. Johnson** (cited supra) case has explained in the following words :-

*“The principle of public policy is this; ex dolo malo non oritur actio. No Court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act. If, from the plaintiff's own stating or otherwise, the cause of action appears to arise ex turpi causa, or the transgression of a positive law of this country, there the Court says he has no right to be assisted. It is upon that ground the Court goes; not for the sake of the defendant, but because they will not lend their aid to such a plaintiff. So if the plaintiff and defendant were to change sides, and the defendant was to bring his action against the plaintiff, the latter would then have the advantage of it; for where both are equally in fault, potior est conditio defendentis.”*

27. This area of the law and the principles established since 1775, was redrawn initially with the case

of ***Tinsley v Milligan***, reported in [1994] 1 AC 340 issued in the year 1994. ***Tinsley v Milligan*** case adopted a mechanical, rule-based approach to the defence of illegality, the so called “reliance test”. ***Tinsley Vs. Milligan*** was a case of resulting trust on which the property was returned to the claimant despite the illegality involved in the overall transaction.

28. In the year 2016, however, the UK Supreme Court rendered a pioneer decision, in the case of ***Patel v Mirza***, reported in [2016] UKSC 42, overruled thereby the case of ***Tinsley v Milligan***, not as the decision as a whole, but as to its reasoning, rejecting altogether following of the reliance test. In a case of ***Patel v Mirza***, the majority of the UK Supreme Court judges emphasized need to consider a “range of factors”, looking at the specific policies behind the relevant law, which was infringed, the particular conduct of the claimant, and to consider whether it would be a disproportionate response to the illegality involved to deny relief to the claimant. The UK Supreme Court in a case of ***Patel v Mirza***, established a discretionary approach where illegality is concerned, balancing various considerations and adopting a proportionality test. The principle of “*Ex Turpi Causa Non Oritur Actio*” (No action can arise from an

illegal act), is still applicable, but the background reasoning in implementing, came to be changed.

29. Even in India the aforesaid principle “*Ex Turpi Causa Non Oritur Actio*” with certain exceptions has been accepted. In a case of **Kedar Nath Motani and Ors. Vs. Prahlad Rai and Ors.**, reported in **AIR 1960 SC 2013**, in para No. 22 the Hon’ble Supreme Court of India has made the following observations :-

*“22. The correct position in law, in our opinion, is that what one has to see is whether the illegality goes so much to the root of the matter that the plaintiff cannot bring his action without relying upon the illegal transaction into which he had entered. If the illegality be trivial or venial, as stated by Williston and the plaintiff is not required to rest his case upon that illegality, then public policy demands that the defendant should not be allowed to take advantage of the position. A strict view, of course, must be taken of the plaintiff’s conduct, and he should not be allowed to circumvent the illegality by resorting to some subterfuge or by mis-stating the facts. If, however, the matters is clear and the illegality is not required to be pleaded or proved as part of the cause of action and the plaintiff recanted before the illegal purpose was achieved, then, unless it be of such a gross nature as to outrage the conscience of the Court, the plea of the defendant should not prevail.”*

30. In a case of **Narayanamma and Anr. Etc. Etc. Vs. Sri Govindappa and Ors. Etc. Etc.**, in Civil Appeal Nos. 7630-7631 of 2019 (Arising out of S.L.P.(C) Nos. 29205-29206 of 2015), reported in **2019 (19) SSC 42**, the Hon’ble Supreme Court has relied upon the aforesaid case of **Kedar Nath Motani and Ors. Vs. Prahlad Rai and Ors.** (cited supra) and

further referred and relied upon two more cases (i) **Immani Appa Rao and Ors. vs. Gollapalli Ramalingamurthi and Ors.**, reported in **2 (1962) 3 SCR 739** and (ii) **Nathu Prasad vs. Ranchhod Prasad and Ors.**, reported in **3 (1969) 3 SCC 11**, apply the principles of law as deduced by the Hon'ble Supreme Court in a case of **Immani Appa Rao** (supra), to the facts of the case and in para No. 27 has made the following observations :-

*"27. Now, let us apply the another test laid down in the case of Immani Appa Rao (supra). At the cost of repetition, both the parties are common participator in the illegality. In such a situation, the balance of justice would tilt in whose favour is the question. As held in Immani Appa Rao (supra), if the decree is granted in favour of the plaintiff on the basis of an illegal agreement which is hit by a statute, it will be rendering an active assistance of the court in enforcing an agreement which is contrary to law. As against this, if the balance is tilted towards the defendants, no doubt that they would stand benefited even in spite of their predecessor in title committing an illegality. However, what the court would be doing is only rendering an assistance which is purely of a passive character. As held by Gajendragadkar, J. in Immani Appa Rao (supra), the first course would be clearly and patently inconsistent with the public interest whereas, the latter course is lesser injurious to public interest than the former."*

31. In the instant case, we carry impression that the applicant had intentionally and conveniently shown her ignorance about inter-se relationship. She has gone to the extent of showing ignorance about the relationship between the deceased Kausalyabai Ganpat Solanke, who had given freedom

fighters' nomination to her husband Pandit Asaram Karhale as her nephew. It is a clear case of false nomination which was the basis of availing Government employment by the deceased husband of the applicant, namely, Pandit Asaram Karhale. It cannot be denied that the applicant got benefitted because of the said false nomination in favour of her husband. The said maxim which is also accepted by our courts, particularly, Hon'ble Supreme Court of India in the cases as referred above, is squarely applicable to the facts of the present case. In view of the same if the prayer made by the applicant is accepted the same will be in the form of rendering an active assistance of the courts in enforcing the false nomination of the freedom fighter. We are not inclined to do so.

32. In view of the above discussion, we find no substance in this O.A. and the same is liable to be dismissed. Hence, the following order:

**ORDER**

- [i] Original Application is hereby dismissed.
- [ii] In the circumstances, there shall be no order as to costs.
- [iii] Original Application is accordingly disposed of.

**(VINAY KARGAONKAR)**  
**MEMBER (A)**  
**Place : Aurangabad**  
**Date : 22-04-2025.**

**(V. K. JADHAV)**  
**VICE CHAIRMAN**