

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 6182 OF 2014

SUREKHA YUVRAJ BORASE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Ambetkar Arvind G.
AGP for Respondents: Mr.P.N.Mule.
Advocate for Respondent No.2 : Mr. Vijay Sharma.

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CORAM : **S. V. GANGAPURWALA and
V.L. ACHLIYA, JJ.**

DATE : 12th January, 2015.

P.C.:

1 Mr.Ambetkar, learned counsel for the Petitioner submits that the name of the Petitioner was included in the wait list in respect of the persons seeking appointment on compassionate ground. However, vide the impugned order, the said name has been deleted only on the ground that the Petitioner is a married daughter. The learned counsel submits that the Petitioner does not have any brother and only one sister. According to the learned counsel, no discrimination can be made between married and unmarried daughter. Even the Government Resolution dated 26th February, 2013, confirms the said fact.

2 Mr.Sharma, learned counsel submits that the very object of giving appointment on compassionate ground is that the appointee should support the family of the person dying in harness. According to the

learned counsel, the father of the Petitioner died in the year 2000. No purpose would be served by giving appointment on compassionate ground. Even the Government Resolution deals with the cut of date.

3 It is not disputed that the name of the Petitioner was included in the wait list in respect of the persons to be considered for giving appointment on compassionate ground. The name of the Petitioner has been deleted vide order dated 23rd March, 2014 only on the ground that the Petitioner is a married daughter and will not be entitled for getting the benefit of compassionate appointment.

4 The Petitioner, if gives undertaking alongwith her husband that the Petitioner would maintain the mother then in that case the Petitioner can be considered for appointment on compassionate ground. The Petitioner does not have any brother. Moreover, the name of the Petitioner was also included in the wait list on 13th July, 2007, for being considered for giving appointment on compassionate ground. The name of the Petitioner could not has been deleted only on the ground that the Petitioner is a married daughter.

5 In light of the above, the impugned order dated 23rd June, 2014, is quashed and set aside. The name of the Petitioner shall not be deleted from the wait list only on the ground that the Petitioner is the married daughter. Of course, the Petitioner will be required to satisfy all other

legal requirements.

6 Considering the above, the writ petition is accordingly, disposed of with aforesaid observations and directions. No costs.

[V.L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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