

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6753 OF 2015

NARAYAN DHANAJI RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S.B. Bhosale
AGP for Respondents: Mr. D.B.Bhange

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CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.
Dated: August 21, 2015

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PER COURT :-

1. Heard.
2. Though respondent Nos. 2 to 5 are served, none appears for them.
3. Petitioner seeks appointment on compassionate ground. The learned counsel for the petitioner submits that the only ground on which the claim of the petitioner for appointment on compassionate ground is rejected, is that, the father of the petitioner was working under the MAARUF agreement and, as such, he is not entitled to be considered for appointment on compassionate ground.
4. The learned counsel relies on the judgment of the Division Bench of this Court in Writ Petition No. 5501 of 2008 with other connected Writ Petitions dated 20.11.2008,

to submit that having worked under the MAARUF agreement is no bar for the legal heirs to claim appointment on compassionate ground. The learned counsel for the petitioner submits that the said judgment has been confirmed by the Apex Court.

5. We have heard the learned AGP.

6. In view of the judgment of the Division Bench of this Court in Writ Petition No. 5501 of 2008 (referred supra) and followed by the Division Bench judgment in Writ Petition No. 2654 of 2013, now, it can not be said by the Zilla Parishad that if a person is appointed under the MAARUF agreement, his legal heirs would not be entitled for benefit of compassionate appointment. The judgment in Writ Petition No. 5501 of 2008, as stated earlier, is confirmed by the Apex Court also.

7. In the light of the above, we pass the following order :

ORDER

- I. The impugned orders rejecting the claim of the petitioner on the ground that his father was appointed under the MAARUF, will have to be set aside and are hereby set aside.

- II. The respondents shall consider the claim of the petitioner for appointment on compassionate ground, de hors the fact that his father was appointed under the MAARUF agreement, expeditiously and on its own merits.
- III. The decision in this regard shall be taken preferably within six (6) months and the same be communicated to the petitioner.
- IV. The Writ Petition is disposed of. No costs.

(V.K. JADHAV, J.)

(A. V. NIRGUDE, J.)

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