

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 935 OF 2015

ARCHANA CHANDRASHEKHAR BHAGWAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shivaji T. Shelke.
AGP for Respondent Nos.1 & 5 : Mr. V. H. Dighe.
Advocate for Respondent Nos.2 to 4 : Mr. S. G. Sangle.

CORAM : S.S. SHINDE & A.M. BADAR,JJ.
DATE : 8TH SEPTEMBER,2015.

PER COURT:

1] Heard learned counsel for petitioner, learned AGP for respondent Nos. 1 and 5, and Shri S. G. Sangle, learned counsel for respondent Nos. 2 to 4.

2] With their assistance, we have perused the pleadings in the petition, annexures thereto, so also the reply filed by the respondent/State.

3] It appears that petitioner was communicated decision of the Government on 17.7.2014 and also on 18.7.2014. It appears from the perusal of letter dated 17th July, 2014, it appears that reference is given to the Government Resolution dated 19th June, 2014. However, when the final decision was communicated at the Government level, it was mentioned in the letter that since the petitioner's father late Shri Chandrashekhar Gulabrao Bhagwat, was working as Deputy Regional Officer (Group A), i.e. Sub Divisional Officer (Group A), which is a Gazetted post and, therefore, the petitioner is not entitled for the appointment on compassionate ground.

4] In the petitions, in para.2 it is stated by the petitioner that

father of the petitioner was serving as “Mukadam” under respondent No.4, who died on 1.9.2003 while in service. The statement is not disputed by the respondents.

In that view of the matter, in our opinion, the impugned communication dated 18th July, 2014 deserves to be quashed . Accordingly the same is quashed and set aside. Respondent No.1 is directed to reconsider the prayer of the petitioner for appointment on compassionate ground and take a decision on it, as per the policy of the State Government, as expeditiously as possible, however, within 3 months from today. Needless to mention petitioner may be given opportunity to put forth her contention before the respondent No.1.

5] Petition stands disposed on above terms.

[A.M. BADAR, J]

[S.S. SHINDE,J]

grt/-