

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.106 of 2015

WRIT PETITION NO. 106 OF 2015

Namdeo s/o Tukaram Sasane,
Age 24 years, Occu: Agri.,
r/o Patoda, Tal.Patoda,
Dist. Beed.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Beed,
Dist. Beed.
3. The Deputy Engineer (Works),
Sub Division, Patoda,
Dist. Beed.

...RESPONDENTS

...
Advocate for Petitioner : Mr. Kalyankar Dushyant M
AGP for Respondent State: Mr. S.K.Kadam
Mr. R.B.Dhaware, Adv., for R/2 And 3.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: April 13, 2015

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PER COURT :-

1. Heard. Rule. Rule made returnable and heard
forthwith with the consent of the parties.

AGP

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(2)

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2. Limited grievance raised in this petition is that the prayer of the petitioner for appointment on compassionate ground has been rejected on the ground that father of the petitioner was working under Maaruf Agreement.

3. The ground on which the application of the petitioner is rejected is not sustainable in the light of the judgment of this Court in Writ Petition No.5501/2008 (Sharad s/o Vishnu Mali Vs. The State of Maharashtra) with connected writ petition thereto, decided on 28th November, 2008.

4. The Division Bench of this Court, while considering same controversy raised in this petition, in paragraph no.4 of the said judgment, held that the rejection of the cases of the petitioners for compassionate appointment on the ground that their fathers were working under Maaruf agreement was erroneous. In that view of the matter, in our opinion, the ground, on which the petitioner's claim for appointment on compassionate ground has been negated by the respondents, cannot survive. In the circumstances, the impugned communication dated 16/12/2013 (Exh.D) is set aside. The respondents are directed to consider the petitioner's claim in accordance with the Government Resolution / policy, however, the same should not be negated / rejected again on the ground that the petitioners father was appointed under Maaruf agreement.

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(3)

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It is needless to observe that since the petitioner is waiting for considerable period, the respondents to consider his claim expeditiously.

The petition stands disposed of in above terms. Rule made absolute accordingly.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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