

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8655 OF 2015
(Randheer Masaji Hanwate Vs. The State of Maharashtra
and others)

Mr. Suresh D. Kamble, Advocate for the Petitioner
Mr. S.K. Kadam, A.G.P. for respondent No. 1/State
Mr. S.B. Pulkundwar, Advocate for respondent Nos. 2 & 3

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 10th JUNE, 2016

PER COURT :

1. Heard the learned counsel appearing for the petitioner, learned A.G.P. appearing for the State and learned counsel appearing for respondent Nos. 2 and 3.

2. It appears that though the petitioner had filed an application for appointment on compassionate ground within one year from the date of death of his father, the said application has been rejected by respondent No. 2 on the ground that it was not filed within one year.

3. Upon perusal of the contents of the letter dated 20th July, 2011, written by the Deputy Chief Executive Officer, Zilla Parishad, Nanded addressed to

the Medical Officer, Primary Health Centre, Apparao Peth, Taluka Kinwat, District Nanded (Exhibit-D to the present petition), it is abundantly clear that the application was submitted by the petitioner on 2nd April, 2009 and thereafter, on 14th February, 2010. The death certificate in regard to the father of the petitioner, issued by the Village Development Officer, Grampanchayat, Apparao-Peth (Exhibit-A to the petition) would show that the father of the petitioner died on 20th March, 2009. Therefore, the application filed by the petitioner on 2nd April, 2009 was well within one year from the date of death of the petitioner's father. In the circumstances, the reason shown in the impugned communication dated 22nd July, 2010 (Exhibit-E to the petition) cannot sustain. The impugned communication, therefore, is liable to be quashed and set aside. Hence, the following order :-

4. The impugned communication/order dated 22nd July, 2010, issued by respondent No. 2 – the Chief Executive Officer, Zilla Parishad, Nanded is quashed and set aside. The application filed by the petitioner for his appointment on compassionate ground is restored to

its file. The Chief Executive Officer, Zilla Parishad, Nanded is directed to consider the application filed by the petitioner for his appointment on compassionate ground, on its own merits and take the decision thereon as expeditiously as possible; however, within a period of twelve weeks from the date of this order and communicate the decision so taken to the petitioner.

5. The writ petition stands allowed and disposed of in above terms.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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