

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

**WRIT PETITION NO.3576 OF 2016**

**DEVENDRA MADAN KAKDE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. Shrimant Munde, advocate i/b. Mr. P. K. Wagh,  
advocate for petitioner

Mr. V. S. Badakh, AGP for respondent no.1 – State

Mr. S. B. Mundhe, advocate for respondent nos.2 and 3

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**CORAM : S. S. SHINDE AND  
SANGITRAO S. PATIL, JJ.  
DATE : APRIL 25, 2016**

**PER COURT :**

Heard.

2] Rule. Rule made returnable forthwith. By consent of the learned counsel appearing for the parties, the petition is taken up for final hearing at admission state.

3] The 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 the father of the petitioner was working under Maaruf Agreement.

4] The ground on which the application of the petitioner was rejected was 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.

5] The Division Bench of this Court, while considering the similar controversy which is 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 petitioner's father was appointed under the Maaruf agreement.

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

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

**[SANGITRAO S. PATIL, J.]**

**[S.S. SHINDE, J.]**

kbp