

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 6073 OF 2016

DADA RAMHARI CHITRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr.P.K. Wagh
AGP for Respondent/State : Mr.V.H. Dighe
Advocate for Respondent No.2:Mr.S.B.Munde

...

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

Dated: JULY 19, 2016

...

Heard. Rule. Rule made returnable
forthwith. Heard finally with the consent
of the learned counsel appearing for the
parties.

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 the 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 the 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 18.04.2016 (Exhibit '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 Maaruf agreement.

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

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

(SANGITRAO S.PATIL, J) (S.S. SHINDE, J)