

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.10167 OF 2015**Kalpana Shrirang Kamble and another Vs. The State of
Maharashtra and another.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.T.Shelke, advocate for the petitioner.
Ms.S.S.Raut, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 29.11.2016.

PER COURT :

1. Heard.
2. Mr.Shelke, learned counsel submits that on account of death of the petitioner's father, the petitioner No.2 had applied for appointment on compassionate ground. The name of petitioner No.2 is included in the seniority list of the candidates to be appointed on compassionate ground. However, the petitioner No.2 is thereafter not interested and application was made to substitute the name of petitioner No.1 in place of petitioner No.2. The said application is rejected. According to the learned counsel, the Government Resolution dated 20.5.2015 is improper and is not in tune with the purpose of the appointments to be made on

compassionate ground.

3. Learned A.G.P. submits that there is no provision for substitution in the name of person entitled to be appointed on compassionate ground. Moreover, petitioner No.2 had withdrawn his consent given for substitution of the name of petitioner No.1 in place of petitioner No.2. Twice such letters are given i.e. on 29.9.2014 and 12.5.2015. The order is rightly passed.

4. We have considered the submissions. The Government Resolution dated 20.5.2015, thereby prohibiting substitution of the name of a candidate seeking appointment on compassionate ground is introduced. In the present case, the application made for substitution of the name of the petitioner No.2 in place of petitioner No.1 is prior to the said Government Resolution. Even the order impugned is prior to the said Government Resolution. As such the said Government Resolution could not apply in this case.

5. As far as withdrawal of consent by petitioner No.2 is concerned, the said aspect can be looked into by the authority.

6. In light of the above, the impugned order (page 23) is quashed and set aside. The Respondent authority shall consider the application submitted by the petitioner for substitution of the name of petitioner No.1 in place of petitioner No.2 on its own merits by considering all the relevant aspects, however, shall not reject it on the ground that substitution of the name of a candidate to be

appointed on compassionate ground is not permissible. The same shall be considered expeditiously, preferably within four (4) months.

7. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.29.11.2016.
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