

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

WRIT PETITION NO. 9844 OF 2015

Mohammed Sayyed Mohiuddin
Mohammed Hafiz Mohiuddin .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri G. R. Sayed, Advocate for the Petitioner.
Shri B. V. Virdhe, A.G.P. for Respondent Nos. 1 and 2.
Shri Vivek V. Bhavthankar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 28TH SEPTEMBER, 2016.**

PER COURT :

. Mr. Syeed, the learned counsel for the petitioner states that, the petitioner had applied for appointment on compassionate ground. The same is not considered. Subsequently, it is stated that, as the deceased father of the petitioner had a fourth child born after cutoff date, the petitioner is not eligible for appointment on compassionate ground. The learned counsel submits that, the petitioner has three brother and sisters. The youngest sister of the petitioner is born on 02nd February, 2000, however, a wrong entry was made in the school record of the said sister. The petitioner was also not aware of the

said fact. However, the certificate has been issued subsequently by the Parbhani Municipal Council, Parbhani, which is the authority under the provisions of the Births and Deaths Registration Act. According to the learned counsel said aspect is not considered.

2. Mr. Bhavthankar, the learned counsel for the respondent No. 3 states that, the respondent acted upon the communication made by the petitioner himself, wherein he had given date of birth of his youngest sister of having born on 08.02.2002 i. e. after the cutoff date. In view of that, order has been rightly passed by the respondent negating the claim of the petitioner for appointment on compassionate ground.

3. It is a fact that, the petitioner while applying for the appointment on compassionate ground has given details of his brothers and sisters and the date of birth of his youngest sister was mentioned as 08.02.2002. However, the petitioner has produced on record the birth certificate of the said sister issued by the Parbhani Municipal Council showing the date of birth as 02.02.2000. It is submitted that, even the school record has been corrected pursuant to the decision given by the authority under the Births and Deaths Registration Act. It is for the concerned authority to consider the said aspect.

4. Considering the above, we pass following order.

5. The respondent No. 3 shall reconsider the application of the petitioner for appointment on compassionate ground. The petitioner may submit additional documents clarifying the date of birth of each of his brothers and sisters along with all supporting documents. The authority i. e. the respondent No. 3 shall reconsider the case and pass order on his application for appointment on compassionate ground on its own merits, in accordance with law and policy expeditiously and preferably within a period of four (04) months from the date of receipt of this order. The writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]