

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

WRIT PETITION NO.11469 OF 2015

Baliram s/o Jariba Sarmal
Age: 33 Yrs., occu. Nil
R/o Khardewadi, Post Yelamb(Ghat)
Tq. and District Beed. - PETITIONER

VERSUS

- 1) The State of Maharashtra
Through its Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumbai.
- 2) The Chief Executive Officer,
Zilla Parishad, Beed.
District Beed.
- 3) The Deputy Engineer (works)
Division Beed, Dist.Beed. - RESPONDENTS

Mr.Pradip K.Wagh, Advocate for Petitioner/s
Mr.SK Tambe,AGP for Respondent No.1;
Mr.AD Aghav & Mr.SB Mundhe, Adv. For Resp. Nos. 2 &
3.

AND

WRIT PETITION NO.11470 of 2015

Ajim S/o Yusuf Shaikh
Age: 39 Yrs., occu. Nil.
R/o Doithan, Tq. Ashti,
District Beed. - PETITIONER

VERSUS

- 1) The State of Maharashtra
Through its Secretary,

Rural Development & Water
Conservation Department,
Mantralaya, Mumbai.

2) The Chief Executive Officer,
Zilla Parishad, Beed.
District Beed.

3) The Deputy Engineer (works)
Sub-Division Ashti,
Dist.Beed.

- RESPONDENTS

...
Mr.Pradip K.Wagh, Advocate for Petitioner/s
Mr.SK Tambe,AGP for Respondent No.1;
Mr.AD Aghav Adv. For Resp.Nos. 2 & 3.

**CORAM : S.S.SHINDE &
P.R.BORA,JJ.**

DATE : 10th February, 2016.

PER COURT

1. Heard. Rule. Rule made returnable and
heard forthwith with the consent of the parties.

2. Limited grievance raised in these
petitions is that the prayer of the petitioners
for appointment on compassionate ground has been
rejected on the ground that 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 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 3.9.2015 (Exh.D) & 23.9.2015 (Exh.C) in respective petitions are set aside. The respondents are directed to consider the petitioners' 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.

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

5. The petitions stand disposed of in above terms. Rule made absolute accordingly.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/1