

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

44 WRIT PETITION NO.475 OF 2016

PRAKASH SARJERAO TURUKMARE

Age: 24 Yrs., occu. Nil

R/o Savargaon, Tq. Georai,

District Beed.

- PETITIONER

VERSUS

1) The State of Maharashtra
through its Secretary,
Rural Development and
Water Conservation Department,
Mantralaya, Mumbai.

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

3) The Deputy Engineer (Works)
Sub-Division, Georai,
District Beed.

- RESPONDENTS

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Mr. Wagh Pradip K. Advocate for Petitioner :

Mr. SK Tambe, AGP for Respondents: 1;

Ms. Ashwini S.Hoge-Patil, Adv. For Resp.Nos. 2 & 3.

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

DATE : 18th February, 2016.

PER COURT :

1) Heard. Rule. Rule made returnable forthwith.
With consent of learned Counsel appearing for the
respective parties heard finally. Perused the
pleadings in the petition, annexures thereto and the

reasons assigned in the impugned communication.

2) The learned counsel appearing for Respondent Nos. 2 and 3 vehemently opposed the prayer in the petition and submits that, the reasons assigned in the impugned communication are keeping in view the policy of the respondents and, therefore, this court may not interfere in the impugned communication/letter.

3) We have given our careful consideration to the rival submissions. The point raised in this petition is no more res integra and covered by the Judgment of this Court in the case of Namdeo S/o Tukaram Sasane Vs. the State of Maharashtra and Ors. - Writ Petition No.106/2015 decided on 13th April, 2015.

4) 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 18.4.2015 (Exhibit-D to the petition) issued by

Respondent No.2 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. It is needless to observe that since the petitioner is waiting for a considerable period, the respondents to consider his claim expeditiously.

4) The petition stands disposed of in above terms. Rule made absolute accordingly.

sd/-
(P.R.BORA)
JUDGE

sd/-
(S.S.SHINDE)
JUDGE

bdv/