

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2445 OF 2017**Ganesh S/o Bhagwan Aagarkar Vs. The State of Maharashtra
and others.**

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.A.Nagarsoge, advocate for the petitioner.
 Mrs.M.A.Deshpande, Additional Government Pleader for the State.
 Mr.P.D.Suryawanshi, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S.PATIL, JJ.**

Date : 15.03.2017.

PER COURT :

1. Heard.
2. The application of the petitioner for appointment on compassionate ground is rejected on the count that the father of the petitioner was appointed under MAARUF agreement.
3. In view of the judgment of the Division Bench of this Court in W.P.No.5501 of 2008 (referred supra) and followed by the Division Bench judgment in W.P.No.2654 of 2013, now, it can not be said by the Zilla Parishad that if a person is appointed under the MAARUF agreement, his legal heirs would not be entitled for

benefit of compassionate appointment. The judgment in W.P.No.5501 of 2008, as stated earlier is confirmed by the Apex Court also.

4. In light of the above, we pass the following order :

- a) The impugned order rejecting the claim of the petitioner on the ground that his father was appointed under the MAARUF, will have to be set aside and is set aside.
- b) The respondents shall consider the claim of the petitioner for appointment on compassionate ground, de hors the fact that his father was appointed under the MAARUF agreement, expeditiously and on its own merits.
- c) The decision in this regard shall be taken preferably within six (6) months and the same be communicated to the petitioner.
- d) The Writ Petition is disposed of. No costs.

(SANGITRAO S. PATIL, J.) (S.V.GANGAPURWALA, J.)

Dt.15.03.2017.
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