

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

WRIT PETITION NO.10678 OF 2015

Syed Javed S/o Syed Mir ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.Vivek Dhage, advocate for the petitioner.
Mr.P.N.Kutti, A.G.P. for the State.
Mr.R.R.Chandak, advocate for Respondent No.3.

...

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

Date : 25.04.2017.

PER COURT :

1. The petitioner seeks appointment on compassionate ground. According to Mr.Dhage, learned counsel, the father of the petitioner died in the year 2002 while in service. Immediately, the mother of the petitioner applied for appointment on compassionate ground, however,

mother of the petitioner was never given appointment order. Though the Resolution was passed by the Municipal Council, the same was never forwarded to the Collector. According to the learned counsel, the mother of the petitioner was at serial No.7 of the wait list. The persons at serial No.6 and serial No.8 were given appointment on compassionate ground. However, the case of the mother of the petitioner was not considered. The petitioner's mother applied for appointment on compassionate ground.

2. Mr.Chandak, learned counsel for the Municipal Council submits that at the relevant time, it was for the Collector to direct issuance of appointment order. The proposal was forwarded by the Municipal Council to the office of Collector, however, the Collector never passed any order directing appointment of the petitioner's mother. There is no provision for substitution.

3. Learned A.G.P. states that the office of the Collector never received any proposal from

the Municipal Council for appointment of the petitioner's mother on compassionate ground. Even in 2004, the letter was issued by the office of the Collector to the Municipal Council.

4. It is not disputed that the person at serial No.6 and serial No.8 of the wait list of the persons to be appointed on compassionate ground were given appointment orders. The petitioner's mother was at serial No.7 and was not issued with any appointment order. The office of the Collector and the office of the Municipal Council are blaming each other. The fact remains that for no fault of the petitioner's mother the cause of the petitioner's mother for appointment on compassionate ground is not considered. The fault either lies with the office of Respondent No.2 or Respondent No.3. For the fault of the Respondents, the petitioner can not be made to suffer.

5. It appears that even the Municipal Council has passed Resolution to consider appointing the petitioner on compassionate

ground. The same appears to have been passed on 24.1.2014.

6. Considering the aforesaid conspectus, the Respondent No.3 shall place the petitioner in the wait list of the persons to be appointed on compassionate ground and shall consider the case of the petitioner for appointment on compassionate ground as per his turn.

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

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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