

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

WRIT PETITION NO. 13876 OF 2018

Ranjeeta Somnath Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Maheshkumar S. Sonawane, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 13TH DECEMBER, 2018.

FINAL ORDER :

. Mr. Sonawane, the learned counsel for the petitioner submits that, the father of the petitioner while in service with respondents died on 07.01.2010. Within seven months, the mother of the petitioner applied for appointment on compassionate ground. The name of the mother was included in the wait list of the persons to be appointed on compassionate ground. On or about 07.12.2013 the mother of the petitioner requested the respondent No. 3 to substitute the name of the petitioner in her place. The name of the petitioner was also taken up in the wait list, however, subsequently the appointment order is not issued to the petitioner. The learned counsel

submits that, as per the Government Resolution dated 26.02.2013, the married daughter is also entitled to claim appointment on compassionate ground. The learned counsel further submits that, the reasons given by the Tribunal in negating the case of the petitioner are erroneous. The name of the petitioner is rightly substituted in the wait list at the place of name of the mother. The learned counsel relies on the judgment dated 28.02.2012 of the Division Bench of this Court in Writ Petition No. 7832 of 2011.

2. The learned Assistant Government Pleader accepts notice for respondent Nos. 1 to 5 and supports the order of the Tribunal.

3. The scheme of appointment on compassionate ground is to provide immediate succor to the family of the deceased dying in harness. The father of the petitioner died in January 2010. The mother of the petitioner applied seeking appointment on compassionate ground. Subsequently her name came to be deleted on the ground that she has crossed upper age limit for appointment. Thereafter, her name was removed from wait list. The mother of the petitioner had applied to include the name of the petitioner in the wait list. Same was also recommended by the authorities.

4. There is no dispute that sole married daughter is entitled

to claim appointment on compassionate ground. However, same has to be in consonance with the policy under the executive instructions. The appointment on compassionate ground is governed by the Executive Instructions issued from time to time. The substitution of legal heir is permissible only upon the death of a person in the wait list. The Government Resolution dated 21st September, 2017 clarifies the said aspect. The Maharashtra Administrative Tribunal has considered all the relevant aspects.

5. In the light of the above, no error committed by the Tribunal. The writ petition is dismissed. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec. 18