

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1315 OF 2016

Sonika Vithoba Kashid

... Petitioner

V/s.

The Chief Executive Officer,
Zilla Parishad, Solapur & Anr.

... Respondents

Mr. G.A. Bandiwadekar for the Petitioner.

Mr. B.V. Samant, A.G.P. for the Respondent-State.

Mr. A.S. Kulkarni for Respondent No.1.

**CORAM : R.M. SAVANT &
K.K. SONAWANE, JJ.
DATE : 4th SEPTEMBER, 2018.**

P.C. :

1 By the above Petition the Petitioner challenges the order dated 31.10.2014 obtained by the Petitioner under the Right to Information Act, by which order it has been held that the Petitioner being a married daughter is not eligible for appointment on compassionate ground. Though the decision taken in respect of the Petitioner does not refer to the Government Resolution dated 26.02.2013, however, in the affidavit-in-reply filed on behalf of Respondent No.1 i.e. Zilla Parishad, Solapur, reliance is placed on said Government Resolution dated 26.02.2013 to justify the rejection of the case of the Petitioner for compassionate appointment.

2 Insofar as the said Resolution is concerned, it is required to be noted that the same was a subject matter of challenge before the Maharashtra Administrative Tribunal, Mumbai, in original Application No.155 of 2012. By judgment and order dated 21.07.2014 of the Maharashtra Administrative Tribunal, it was directed that the State Government would withdraw the said Resolution within a particular time frame and the consequence of non-withdrawal within the time frame was that the said Resolution would stand quashed and invalidated. There is no dispute about the fact that the said Resolution post the judgment of the Maharashtra Administrative Tribunal stood quashed and invalidated and a new Resolution dated 17.11.2016 has been brought into force by the State Government for regulating appointments to be made on compassionate grounds. Hence, the factual situation has changed insofar as the married daughters are concerned, since the rejection of the case of the Petitioner. It would, therefore, be on the application of the Resolution dated 17.11.2016 that the case of the Petitioner is now required to be considered.

3 In the light of the changed fact situation, we deem it appropriate to direct the Chief Executive Officer, Zilla Parishad, Solapur, to de-novo consider the Petitioner's case for compassionate appointment. The impugned

order/communication dated 31.10.2014 would stand quashed and set aside and the application for compassionate appointment made by the Petitioner would stand relegated to the Chief Executive Officer, Zilla Parishad, Solapur, for a de-novo consideration. The said application to be considered on or before 31.12.2018 and the decision to be communicated to the Petitioner needless to state that the said consideration would be in accordance with law and in terms of the policy which is comprised in the said Resolution dated 17.11.2016.

4 The Petition is allowed to the aforesaid extent and is accordingly disposed of.

(K.K. SONAWANE, J.)

(R.M. SAVANT, J.)

Waishali
Sushil
Waghmare

Digitally signed
by Waishali
Sushil
Waghmare
Date: 2018.09.06
17:55:02 +0530