

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

WRIT PETITION NO. 12470 OF 2015

Pratibha Trymbak Pawar	... Petitioner
V/s.	
The Chief Executive Officer, Zilla Parishad, Thane	... Respondent

Mr. G.A. Bandiwadekar for the Petitioner.
Mr. S.P. Thorat for Respondent No.1.
Mr. B.V. Samant, A.G.P. for Respondent-State.

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

P.C. :

1 The above Writ Petition has been filed challenging the publication/order dated 24.11.2014 (wrongly mentioned as 21.01.2014 in prayer clause (b)). By the said communication the Petitioner has been informed that her case for compassionate appointment has been rejected on the application of the Government Resolution dated 26.02.2013 as the Petitioner does not fulfill the requirements of the said Resolution.

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, Thane, to de-novo consider the Petitioner's case for compassionate appointment. The impugned

order/communication dated 24.11.2014 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, Thane, 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

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