

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.61 OF 2018

Mr.Sanjeev S. Hariakar for the Petitioner
Mr.Sagar Patil for the respondent-MMC.

3 The learned counsel for the petitioner submits
that Bhimrao and Bhimappa were the same persons. He
relied upon the Government Notification dated 13th

March 2008 published in Maharashtra Government Gazette recording the change of name of Balaram Bhimappa Vaidya as Balaram Bhimrao Vaidya. However, on a query made by the Court, the learned counsel for the petitioner states that his father died in the year 1999. Even in the Aadhar Card, the name of the father is mentioned as Bhimrao.

4 Gazette publication of change of name of the year 2008 is of no assistance to the petitioner. Admittedly, the same has been made 13 years after the death of his father. From the correspondence on record, it appears that the Municipal Officers suggested to the petitioner that he should produce a decree passed by the appropriate Civil Court of the declaration of the name of his father.

5 In this petition under Article 226 of the Constitution of India, we cannot go into the disputed question of fact whether the name of the father of the petitioner was Bhimrao or Bhimappa. More appropriate remedy for the petitioner will be to seek an appropriate declaration from the Competent Civil Court.

6 The learned Counsel for the petitioner submits that pending the suit, a direction be issued to grant appointment on compassionate ground to the petitioner. The eligibility of the petitioner depends upon the Resolution of the controversy about the name of his father. Therefore, such a relief

cannot be granted. Considering the facts of the case, the petitioner can always request the Civil Court to give out of turn priority to the hearing of the suit filed by him.

7 Subject to what is observed above, Writ Petition is disposed of. If an appropriate declaration is granted by the Civil Court, the petitioner can always approach the concerned Authority for grant of compassionate appointment.

(SANDEEP K. SHINDE,J.)

(A.S.OKA,J.)