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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

14 WRIT PETITION NO.235 OF 2019

SHUBHAM VIJAY GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Shri Irale Patil D.R.

AGP for Respondent nos.1 & 2: Shri S.P. Sonpawale

Advocate for Respondent no.3 : Shri S.B. Ghute

**CORAM: NARESH H. PATIL, CJ &
V.M. DESHPANDE, J.**

DATE: 25.03.2019

PER COURT :

1] It is submitted that the petitioner's father died on 21.7.2004 while in service of Zilla Parishad, Aurangabad. In place of father, mother of the petitioner namely Alka applied for compassionate appointment and her name was entered at Sr.No.3 in the waiting list prepared for appointments on compassionate ground. As in the year 2016, the mother of the petitioner suffered some illness and it was found that she was not suitable to discharge duties and get employment, therefore, she allowed her son i.e. the petitioner herein to apply in her place.

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Accordingly, the petitioner's name was entered in the list maintained for such purpose at Sr.No.3. As per the record placed before this Court, the petitioner was minor when his father died.

2] The question remains as to in what circumstances the Zilla Parishad recorded the name of the petitioner in the waiting list prepared on 29.12.2018 at Sr.No.150.

3] The representation has been addressed by the petitioner to the Chief Executive Officer, Zilla Parishad, Aurangabad, on 1.1.2019 on this very issue and the State Government has also forwarded the application of the petitioner to the Zilla Parishad for its appropriate decision.

4] In view of the submissions made, we find it appropriate to dispose of this petition by issuing following directions:-

A] The Chief Executive Officer, Zilla Parishad, Aurangabad, is directed to decide the representation of the petitioner dated 1.1.2019 (Exhibit E – page no.42 of the petition) within a period of six weeks from the date of receipt of this order.

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B] The representation shall be decided by passing a brief reasoned order, which shall be communicated to the petitioner.

C] It is clarified that we have not expressed any opinion on merits of the petitioner's claim.

D] Since Advocate Shri S.B. Ghute has appeared today on behalf of Zilla Parishad – respondent no.3, he shall intimate the aforesaid order to the Chief Executive Officer, Zilla Parishad, Aurangabad.

E] The petition is disposed of. No costs.

(V.M. DESHPANDE, J.)

CHIEF JUSTICE