

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1441 OF 2018

Vikram Manohar Wadmare

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. M. P. Tripathi, Advocate for the Petitioner.

Mr. S. K. Tambe, A.G.P. for Respondent No. 1.

Mr. V. V. Bhavthankar, Advocate for Respondent
Nos. 2 and 3.

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 8th JANUARY, 2019

PER COURT :

1. Mr. Tripathi, learned counsel for the petitioner submits that the claim of the petitioner for appointment on compassionate ground is rejected, as the post held by the father of the petitioner was self funded by the Zilla Parishad. The learned counsel submits that the same cannot be ground to deny the benefit of compassionate appointment and he relies on the judgments of this

Court in Writ Petition No. 461 of 2012 dated 12.12.2012, Writ Petition No. 5801 of 2012 dated 02.07.2013 and Writ Petition No. 10296 of 2015 dated 18.04.2016.

2. Mr. Bhavthankar, learned counsel for respondent nos. 2 and 3 submits that as the post held by the father of the petitioner was self funded by the Zill Parishad, the petitioner cannot claim benefit of compassionate appointment as of right. The Zilla Parishad was making payment of the father of the petitioner's salary from their own funds and the cess collected.

3. The learned counsel for the respondents on going through the judgment referred to supra does not dispute that this Court in case of similarly situated employees has allowed the writ petitions filed by the persons claiming appointment on compassionate ground.

4. In the light of aforesaid orders of this Court, the impugned order negating the claim of

the petitioner is set aside. The respondents shall consider the application filed by the petitioner for appointment on compassionate ground on its own merits and shall not reject it on the ground on which the impugned order is passed.

5. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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