

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**59 WRIT PETITION NO.12874 OF 2018**

SUMANT VISHNU KATKAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. P. D. Jarare h/f Mr. S. S. Thombre, Advocate  
for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. Kiran B. Jadhavar, Advocate for Respondent  
No.2.

...

**CORAM : S. V. GANGAPURWALA &  
A. M. DHAVAL, JJ.**

**DATED : 28<sup>th</sup> JANUARY, 2019.**

**PER COURT:-**

1. The appointment of the father of the petitioner was protected under the MAARUF agreement. The father of the petitioner died while in service. The claim for compassionate appointment of the petitioner is rejected on the ground that the appointment of the father of the petitioner was protected under the MAARUF agreement.

2. We have heard the learned counsel for the parties.

3. This Court in catena of matters has held that, even if, the employee whose appointment is protected under the MAARUF agreement, the wards of such employee would be entitled to seek appointment on compassionate ground. The reference can be had to the judgments in Writ Petition No.5501 of 2008 dated 20<sup>th</sup> November 2008, Writ Petition No.5286 of 2011 dated 17<sup>th</sup> October 2011, Writ Petition No.6225 of 2013 dated 12<sup>th</sup> November 2013 and Writ Petition No.7563 of 2014 dated 30<sup>th</sup> October 2014.

4. We have heard the learned AGP as well.

5. In view of the judgment of the Division Bench of this Court in Writ Petition No.5501 of 2008 (referred supra) and followed by the Division Bench judgment in Writ Petition No.2654 of 2013, now, it can not be said by the Zilla Parishad that if a person is appointed under the MAARUF agreement, his legal heirs would not be entitled for benefit of compassionate appointment. The judgment in Writ Petition No.5501 of 2008, as stated earlier, is confirmed by the Apex Court also.

6. In the light of the above, we pass the following order:

a) The impugned order rejecting the claim of the petitioner on the ground that his father was appointed under the MAARUF, will have to be

set aside and are hereby set aside.

b) The respondents shall consider the claim of the petitioners for appointment on compassionate ground, de hors the fact that his father was appointed under the MAARUF agreement, expeditiously and on its own merits.

c) The decision in this regard shall be taken preferably within six (6) months and the same be communicated to the petitioner.

d) The Writ Petition is disposed of. No costs.

**(A. M. DHAVALÉ)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**