

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

WRIT PETITION NO.13131 OF 2018

Ajinkya s/o Sharad Govekar ...PETITIONER

VERSUS

The State of Maharashtra & anr. ...RESPONDENTS

.....
Shri C.V. Thorat, Advocate for petitioner
Mrs. P.V. Diggikar, A.G.P. for State
Mrs. Suvarna Zaware, Advocate for respondent No.2
.....

**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVALA, JJ.**

DATED : 17th January, 2019

ORAL ORDER :

1. Mr. Thorat, learned counsel for the petitioner submits that, the petitioner had applied on 21.9.2013 seeking appointment on compassionate ground along with all the documents. At that time, he was placed at Sr.No.105 of the seniority list. In 2018, fresh seniority list is published. In the fresh seniority list, he is again placed at Sr.No.105. In 2018, 66 persons are appointed on compassionate ground. He should have been at Sr.No.39.

2. Mrs. Suvarna Zaware, the learned Advocate for Zilla Parishad submits that, the petitioner complied all the documents after the letter dated 20.8.2018 and as such, the seniority list was published accordingly. The relevant guidelines state that, it is only after the documents, complete in all respects, are submitted by the candidate, his name would be included in the seniority list. As the petitioner submitted all the required documents after August 2018, his name is included in the seniority list as per his turn. No illegality is committed.

3. The scrutiny of the documents submitted by the petitioner was made on 20.8.2017 and the inspecting officer has verified the documents and noted him to be eligible. It would mean that on 20.8.2017 the petitioner has complied the documents as per the endorsement of the inspecting authority. If at the relevant time the respondent No.2 found that the petitioner has not submitted all the documents, then the authority should have asked the petitioner to submit then and there when the documents were scrutinised. On the contrary, the endorsement is put by the authorities that the petitioner is eligible and affidavits are also filed.

4. In light of the above, the petitioner shall be placed in the seniority list of the persons to be appointed on compassionate

ground considering his application to be complete in all respects on 28.6.2017. The seniority list shall be accordingly corrected. Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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