

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

22. WRIT PETITION No. 8418 of 2019

Dhanashri D/o Nandu Paithankar

...Petitioner

VERSUS

The State of Maharashtra and another

...Respondents

Mr. S.R. Andhale, Advocate for petitioner

Mr. P.S. Patil, Addl. Govt. Pleader for respondent No.1

Mr. V.P. Patil, Advocate for respondent No.2

CORAM : S.V. GANGAPURWALA &

SHRIKANT D. KULKARNI, JJ.

DATE : 26th February, 2020

ORDER :

1. The petitioner assailed the order dated 27th March 2019 passed by the Chief Executive Officer, Zilla Parishad, Ahmednagar, rejecting the claim of the petitioner for appointment on compassionate ground.

2. The petitioner sought appointment on a compassionate ground in place of her father, who died while in service. The claim is rejected on the ground that the brother of the petitioner is in service with Bank of Baroda. As per Govt. Resolution dated 26th October

1994, more particularly, clause 7(C) if a member of the family is in service of any Government or Semi-Government institution, this claim need not be considered.

3. The petitioner on affidavit before this Court has referred to some documents and states that brother of the petitioner is residing separately with his family and the petitioner is residing alongwith her son with her mother and taking care of the mother.

4. According to Mr. Patil, learned Counsel for the respondent No.2, mother of the petitioner is getting pension of Rs. 19000/- per month.

5. It is for the authorities to consider the genuineness of the documents submitted by the petitioner. The petitioner contends that the brother of the petitioner is residing separately with his family and the petitioner is residing alongwith some other. Even a married daughter is entitled to appointment on compassionate ground. Of course, if the member of the family is in Government employment or Semi-Government employment, then the petitioner need not claim upon a compassionate ground. However, if the petitioner is residing separately from the brother, claim of the petitioner can be considered.

6. It is for the respondent No.2 to assess the documents produced by the petitioner and take decision independently.
7. In the light of the above, the impugned order is quashed and set aside. The respondent No.2 shall reconsider the proposal submitted by the petitioner on compassionate ground considering the documents filed on record. All points are kept open.
8. The writ petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

Madkar