

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

**WRIT PETITION NO. 9780 OF 2019**

**THE STATE OF MAHARASHTRA THROUGH THE SECRETARY  
HOME DEPARTMENT MANTRALAYA MUMBAI**

**VERSUS**

**VISHWAJEET VISHWAMBHAR JONDHALE**

**...**

**AGP for Petitioners : Mrs. A. V. Gondhalekar  
Advocate for Respondent / Sole : Mr. V. P. Kadam**

**...**

**CORAM: S. V. GANGAPURWALA &  
MANGESH S. PATIL, JJ.**

**DATE: 14<sup>th</sup> JANUARY, 2020**

**PER COURT:**

1. We have heard the learned Additional Government Pleader for the petitioners and Mr. Kadam, learned counsel for the respondent / sole.

2. The judgment and order passed by the Maharashtra Administrative Tribunal at Aurangabad allowing the Original Application filed by the respondent herein is assailed. Under the impugned judgment, the tribunal has directed that the name of the present respondent be substituted in place of his mother for appointment on compassionate

ground on account of death of the father of the present respondent.

3. The parties have placed reliance on the judgment of the Division Bench of this Court at the principal seat in Writ Petition No. 13932 of 2017 dated 18.07.2018. In the said judgment this Court had modified the order of the tribunal and directed to include the name of respondent no. 2 therein in the wait list at the appropriate position taking into consideration the date of the respondent's application and not the date of mother's application.

4. In the present case, the parties agreed to the aforesaid position. The learned counsel for the respective parties agreed that the same recourse as is held by the Division Bench of this Court at the principal seat in Writ Petition No. 13932 of 2017 dated 18.07.2018 be adopted.

5. In the light of above, the impugned order passed by the tribunal is modified. The name of the present respondent may not be substituted in

the place of the mother, however the present respondent's name be included in the seniority list of the persons to be appointed on compassionate ground considering the date of his application. According to the present respondent, the said date is 23.03.2016. The petitioners may verify the date the application is given by the present respondent or on his behalf for appointment on compassionate ground and place the present respondent in the wait list of the persons to be appointed on compassionate ground on the date the application is received seeking appointment on compassionate ground.

6. Writ Petition accordingly stands disposed of in above terms. No costs.

**[MANGESH S. PATIL, J.]**

**[S. V. GANGAPURWALA, J.]**

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