

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

WRIT PETITION NO. 6175 OF 2020

Sandeep Popat Idhate

.. Petitioner

Versus

The State of Maharashtra and another.. Respondents

Shri Arvind G. Ambetkar, Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for the Respondent No. 1.

Shri R. S. Devdhe, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 01ST FEBRUARY, 2021.

FINAL ORDER :

. Mr. Ambetkar, the learned advocate for the petitioner submits that, the petitioner had applied for appointment on compassionate ground in the year 2012. The case of the petitioner was not considered. In the year 2016, the petitioner again made declaration that the petitioner would accept Class IV post and he possess SSC qualification. The persons along with the petitioner who had applied in the year 2016 for appointment on compassionate ground are given appointments. The petitioner's claim is kept pending. The petitioner's name is added in the seniority list of persons to be appointed on compassionate ground considering his application having made on 08.02.2019. The same is illegal. The petitioner in the year 2016 and 2017 had twice submitted the application with complete set

of documents. No cognizance has been taken by respondents.

2. The learned counsel for the respondent No. 2 submits that, the petitioner gave incorrect information when he submitted application for the first time in the year 2012. He represented that he is 12th pass and possessing typewriting certificate. He did not possess the same. In the year 2016 he represented that, he does not possess said certificate, but also did not produce on record 10th pass certificate. It is only on 08.02.2019, the petitioner submitted complete set of documents and his name is included in the seniority list of the persons to be appointed on compassionate ground considering his application complete in all respect. No illegality has been committed by the respondent.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. There are applications on record. It appears that, the petitioner did not submit correct information in the year 2012 when he applied for the first time. The petitioner had represented that he is 12th pass and possess typewriting certificate. Said information was absolutely incorrect. In the year 2016, the petitioner sought to mend his way and it appears that submitted application that he does not possess typewriting certificate, but in the list of documents it does not appear that the petitioner submitted 10th pass certificate. Subsequently in the year 2018 present petitioner represented that he may be

appointed on Class IV post and he would submit certificate about having computer qualification within a period of two years. According to the respondent No. 2 all documents are complete on 08.02.2019.

5. In the affidavit filed on record by the respondent No. 2, it is contended that as per the qualification of the petitioner, the petitioner is entitled for the post of Health Worker Male and Junior Assistant. According to Mr. Ambetkar, the learned counsel, the petitioner can be considered for any Class IV post.

6. Naturally, if the petitioner is agreeable for appointment on any Class IV post including that of peon, the respondent No. 2 would consider the petitioner for appointment on said post as would be available and considering his claim to be complete in all respects on 08.02.2019.

7. With these observations, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]