

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

947 WRIT PETITION NO.7193 OF 2020

**DATTATRAYA LAXMANRAO KARADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

WITH

WRIT PETITION NO.7194 OF 2020

**SUNDAR S/O MOHANRAO KHARAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioners : Mr. D. R. Irle Patil.
AGP for Respondent No.1-State : Mr. S. R. Yadav-Lonikar.
Advocate for Respondent No.2 : Mr. A. R. Vaidya.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 22.07.2021

PER COURT :-

1. All these petitioners are already in employment with respondent No.2-Municipal Corporation, as Safai Kamgar on compassionate basis. They have put in almost two decades in employment. They are now seeking consideration for appointment on the Class III posts depending upon the vacancies, by considering their qualifications. One of the

petitioner, namely Sundar Mohanrao Kharat is presently pursuing his Ph.D.

2. In similar set of facts, this Court has passed orders on 29.04.2019 in Writ Petition No.12562 of 2018 filed by Sachin Thakur Soni and others Vs. The State of Maharashtra and another and on 01.10.2020 in Writ Petition No.14984 of 2019 filed by Syed Imtiyaz Ul Haque Syed Nazeerul Haque Vs. The State of Maharashtra and another. The petitioners in both these petitions were appointed on compassionate basis. This Court has directed the Corporation to consider the cases of these petitioners in the light of the qualifications that they possessed on the date of their applications seeking appointment on compassionate basis and if their qualifications would make them eligible for appointment on Class III posts, the Municipal Corporation would consider their cases for absorption on Class III posts as and when the vacancies arise, according to their seniority.

3. In view of the above, we do not find any reason to take a different view.

4. These petitions are, therefore, disposed off with the

similar directions that if the qualifications possessed by these petitioners on the date of their applications for appointment on compassionate basis entitled them for absorption on Class III posts, they would be considered for such absorption as and when the vacancies arise, strictly in accordance with their seniority in employment on compassionate ground. In the event, such vacancies are available today, the Corporation would decide the claims of these petitioners, as expeditiously as possible, and preferably on or before 30.09.2021, in the event of there being no other legal impediment.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-