

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 1243 OF 2021

AND

WRIT PETITION NO. 3344 OF 2021

(LILA WD/O. DASHRATH CHAUHAN & ANR...VS..STATE OF MAH. THR. GENERAL ADMN. DEPT. &
OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S.Kshirsagar, Advocate for Petitioners.
Shri A.S.Fulzele, Addl.G.P. for Respondent No.1.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : SEPTEMBER 06, 2021.

CIVIL APPLN.NO. 1243/2021.

For the reasons stated in the application, the application is allowed. The name of petitioner No.1 be deleted from the array of the petitioners.

The amendment be carried out forthwith.

The application stands disposed of accordingly. No costs.

W.P. NO. 3344/2021

1. Heard.

2. The grievance of the petitioner is that as per Government Resolution dated 21st September 2017 once name of one legal heir is taken in the waiting list

prepared for grant of compassionate appointments, the change of name is not permissible and the change is permitted only when the person whose name stands in the waiting list dies, which is inconsistent with the object of grant of compassionate appointment. The learned counsel for the petitioners submits that the rigidity adopted in such a case is not responsive to any change of circumstances relating to the person whose name stands in the waiting list and the other legal heirs who are otherwise entitled for compassionate appointment. As for example, it is further submitted, it may happen in a given case that the person whose name is there in the waiting list gets physically or mentally incapacitated to perform the work and in such a case, the rigidity adopted by the State would ultimately hit very adversely the family which is already under financial duress.

3. It is also submitted that, in the present case, the name of the petitioner No.1 existed in the waiting list till 21/08/2020, but, it was removed from the waiting list on the ground that the petitioner No.1 had crossed her 45 years of age on 25th June 2020 and thereafter the petitioner No.1 died on 20th May 2021. But, it is also submitted that the request made for substitution of name of the deceased petitioner No.1 for that of petitioner No.2 ought to have been permitted by the respondents.

4. Issue notice for final disposal at admission stage to the respondents, returnable after **four weeks**.

5. Shri A.S.Fulzele, learned Addl.G.P. waives service of notice for the respondent Nos. 1 and 2.

(ANIL S.KILOR,J)

(SUNIL B. SHUKRE,J)

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