

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

2 WRIT PETITION NO.1890 OF 2022

**BALAJI RAMDAS VAISHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr.Kanade Angad L.
AGP for Respondents-State : Mr.S.K.Tambe
...

**CORAM : R. D. DHANUKA, &
ANIL L. PANSARE, JJ.**

DATE : 06th JUNE, 2022.

PER COURT :

1. By this petition filed under Article 226 of the Constitution of India the petitioner seeks 'writ of mandamus' against the respondents to appoint him on the post of 'Fireman' on compassionate ground, under the provisions of Clause 2 (a)(1)(2) & (3) of the Government Resolution dated 11.07.2019, issued by The Urban Development Department, Maharashtra State, Mantralaya, Mumbai and also seeking 'writ of Certiorari' against the order dated 9.12.2020 passed by the Chief Officer, Municipal Council Beed, whereby rejecting the claim of the petitioner.

2. It is the case of the petitioner that he belongs to 'Nomadic Tribe' by caste and he has passed 12th Standard examination. The father of the petitioner has retired on 31.08.2018 from the post of

‘Fireman’. The petitioner accordingly filed representation to the Chief Officer, Municipal Council, Beed, seeking appointment on the said post of ‘Fireman’ on compassionate ground in place of his father. The said representation came to be rejected by the respondents on 9.12.2020. The petitioner thus, filed this petition.

3. Heard the learned counsel for the petitioner. He invited our attention to the resolution dated 11th July, 2019 and submits that under the said resolution the petitioner would be entitled to the appointment as ‘Fireman’ in place of his father, who was working as ‘Fireman’ with the respondents for last several years before his retirement.

4. On the other hand, the learned counsel for the respondents would submit that the said resolution dated 11th July, 2019 does not provide for appointment on compassionate ground/basis in cases of family members of the applicant having retired from service.

5. Learned AGP for the respondents would further submit that the petitioner can not be appointed under said Government Resolution dated 11th July, 2019. Learned counsel invited our attention to the resolution dated 10th November, 2015, which is annexed in the Writ Petition No. 1900 of 2022, filed by the petitioner

Jayram s/o Kerba Shinde Versus The State of Maharashtra and would submit that even if the said Government Resolution is applicable to the Clearing Workers, application has to be made within one year from the date of retirement.

6. The submission of learned counsel for the petitioner has totally absurd the Government Resolution dated 11th July, 2019, we cannot accept the submission of the learned counsel for the petitioner to extend the Government Resolution dated 10th November, 2015, issued by the State Government, which does not apply to the facts of this case since the father of the petitioner is retired as 'Fireman' and not as a 'Safai Kamgar'. Therefore, the petition is thoroughly misconceived and accordingly is dismissed.

7. No order as to costs.

(ANIL L. PANSARE)
JUDGE

(R.D.DHANUKA)
JUDGE