

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5179 OF 2021

BABY VASANTRAO THORAT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Petitioners : Mr. Mayur Subhedar
h/f. Mr. C.V. Dharurkar
AGP for Respondents : Mr. A.S. Shinde

**CORAM : C.V. BHADANG &
SANDIPKUMAR C. MORE, JJ.**
DATE : 27 JUNE, 2022.

ORDER :-

This petition can be disposed of on a short count.

2. The petitioner No. 1 is the elder sister of petitioner No. 2. Petitioner No. 1 had sought appointment on compassionate ground in place of her father Vasant Thorat, who died on 23 July, 2006. The name of petitioner No. 1 was taken on waiting list. Petitioner No.1 got married on 5 June, 2013. Thereafter, on 27 May, 2016, she relinquished her claim for such appointment and gave no objection for appointment of the petitioner No. 2 on compassionate ground. Subsequent to this, on 13 June, 2016, petitioner No. 2 applied for appointment on compassionate ground which has been rejected by the respondent by communication dated 16 October, 2020, on the ground of para. 21 of the Government Resolution dated 21 September,

2017, does not permit change or substitution of the name on waiting list.

3. On behalf of the petitioners, reliance is placed on the decision of this Court in *Dnyaneshwar Ramkishan Musane Versus The State of Maharashtra*, **AIR Online 2020 BOM 208**, in order to submit that para.21 of the Government Resolution dated 21 September, 2017, has been held to be unjustified and it was directed to be deleted.

4. Learned AGP submits that the Government is contemplating filing of a review of the said judgment.

5. However, till today, it is not shown that the review application is filed or the judgment has been reviewed. The said judgment is dated 11 March, 2020.

6. In such circumstances, petition is disposed of by directing respondent No. 2 to consider the application for compassionate appointment of petitioner No. 2, on its own merits and in accordance with law. The said application shall not be rejected on the ground based on para. 21 of the Government Resolution dated 21 September, 2017. In the circumstances, there shall be no order as to costs.

SANDIPKUMAR C. MORE, J.
grt/-

C.V. BHADANG, J.