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

21 WRIT PETITION NO.6039 OF 2022

**NISARGA SANJAY RATHOD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Mr L. H. Kawale, Advocate for petitioner;
Mr P. K. Lakhotiya, A.G.P. for respondents/State
Mr N. S. Kadam, Advocate for respondent Nos.2 to 4

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd October, 2022

PER COURT:

1. The petitioner's father passed away on 06/09/2013, leaving behind the petitioner and his younger sister. The mother of the petitioner passed away in 2009. He completed 18 years of age on 01/02/2020. Since compassionate appointment is not granted, the petitioner is before us. His application has been rejected.

2. The learned Advocate representing respondent Nos.2 to 4 relies upon the affidavit-in-reply of the Block Education Officer, Mahur, dated 03/10/2022 and more particularly paragraph Nos.5, 6 and 7. It is categorically stated in paragraph No.7 that, if the petitioner tenders certain documents and removes certain

(2)

deficiencies, his case would be forwarded to the Divisional Commissioner, Aurangabad, for condonation of delay and for further consideration for granting compassionate appointment.

3. The learned Advocate for the petitioner submits that, the contents of the paragraph Nos.5, 6 and 7 take care of the interest of the petitioner at this stage, and his case would now be considered by the Divisional Commissioner, Aurangabad. He, therefore, submits that, this petition stands worked out.

4. In view of the above, this petition is disposed off.

5. Needless to state, earlier rejection of the application of the petitioner would no longer be a legal impediment for the Divisional Commissioner to consider his case, in the light of the affidavit filed by respondent Nos.2 to 4.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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