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

925 WRIT PETITION NO.6903 OF 2019

**MAHANANDABAI MILIND GAIKWAD AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Shabbir A. Mulla, Advocate holding for Mr. D.B. Pokale, Advocate for petitioners;

Mr. S.R. Yadav, A.G.P. for respondent nos.1 & 2;

Mr. Shomit Salunke, Advocate holding for Mr. S.S. Choudhari, Advocate for respondent no.3

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

DATE : 4th March, 2022

P.C.

1. It is informed by the learned Advocate representing respondent no.3 that the earlier Administrator Smt. Nivedita Pawar, Assistant Charity Commissioner, Latur is now transferred to Mumbai. Leave is granted to delete the name of the Administrator and just mention as “Administrator/Assistant Charity Commissioner, Latur”. Deletion/correction be carried out forthwith.

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2. On repeatedly asking, the learned Advocate for respondent no.3 confidently submits that the Assistant Charity Commissioner, Latur is, even today, the Administrator over the trust.

3. The father of petitioner no.2 and husband of petitioner no.1, said to be a permanent employee, passed away on 25.9.2017. Petitioner no.2, the son, applied for compassionate appointment on 9.10.2017 in place of the father who was working as a Laboratory Attendant. Petitioner no.1 is the widow of the deceased employee.

4. Petitioner no.2 had moved an application for seeking compassionate appointment in less than 30 days from the demise of his father. The dispute in the management would not deter us from passing orders in this matter as Assistant Charity Commissioner, Latur is the Administrator on the education society.

5. As such, this petition is disposed off with a direction to respondent no.3 Administrator to consider the proposal of petitioner no.2 and if he is found to be eligible in accordance with the prescription of law, issue an order of appointment and refer the

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matter to respondent no.2 for approval. We make it clear that if there is any legal impediment, the Administrator can apply mind to the facts and circumstances of the case and pass an appropriate order.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

amj