

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

938 WRIT PETITION NO.9178 OF 2021

**MUKUND APPASAHEB SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr.Patil Bipinchandra K.
AGP for Respondent No. 1-State : Mr.K.N.Lokhande
Advocate for Respondent Nos. 2 & 3 : Mr. V.C. Patil h/f Mr. Bondar
Uttam Bajirao

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 25.08.2022.

PER COURT : (PER- SANDEEP V. MARNE, J.)

1. The petitioner seeks compassionate appointment. His application is turned down on the ground that the petitioner's father was working on the post of 'Valve Man' which post was being operated through the self generated funds/ income of the Zilla Parishad.

2. This issue is no more res-integra and is squarely covered by the judgment and order dated 20.08.2022 passed by this Court in **Amol S/o Sahebrao Suryawanshi Vs. The State of Maharashtra and Ors - Writ Petition No. 9119 of 2021.**

3. The only objection that Mr. V.C. Patil, the learned counsel appearing for the Zilla Parishad is that the petitioner's

mother had first applied for compassionate appointment, which was turned down vide the communication dated 16.07.2015 and that after attaining the majority, the petitioner could not have applied for the compassionate appointment. He also submits that the death of the employee has taken place in the year 2010, therefore, this Court should be loath in passing any orders in the present petition.

4. We do not wish to express any opinion on the objection raised by Mr. V.C. Patil and the issues are kept open. However, since the ground of rejection in the communications dated 16.07.2015 cannot survive on account of decision in **Amol S/o Sahebrao Suryawanshi** (supra), we set aside the communication and direct the respondents to re-consider the case of the petitioner for compassionate appointment. Same shall not be rejected only on the ground that the petitioner's father was paid from self generated funds/income of Zilla Parishad.

5. The decision be taken within a period of three months from today.

(**SANDEEP V. MARNE**)
JUDGE

(**MANGESH S. PATIL**)
JUDGE