

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

946 WRIT PETITION NO.139 OF 2021

**ANURAG KISHOR SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr.Swapnil S Rathi
AGP for Respondent Nos. 1 & 2-State : Mr.A.S.Shinde
Advocate for Respondent Nos. 3 & 4 : Mr.Yawalkar Siddharha B.

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

DATE : 02.08.2022.

PER COURT :

1. The only the reason, on which, the petitioner's application for grant of compassionate appointment is rejected, is that the application for compassionate appointment was not filed within a period of one year of death, as is required under Government Resolution dated 22.08.2005.

2. An affidavit filed on behalf of respondent Nos.1 and 2, clearly states that the said reason is due to non submission of application within a period of one year. Even in the communication dated 17.02.2021 made by the Joint Director, Higher Education, Jalgaon, Jalgaon Division to the management during the pendency

of the petition, some reason is cited in it for the rejection of the proposal.

3. Mr. Rathi, learned Advocate appeared on behalf of the petitioner has drawn our attention to the application dated 21.02.2013 made by the petitioner for the compassionate appointment, along with an acknowledgment receipt of the same on 26.02.2013. The employee died on 26.04.2012 and he submitted the application on 21.02.2013 and was submitted within the prescribed period of one year.

4. We, therefore, find that the reason for rejection of the application is perverse. We, accordingly, set aside the communication dated 17.02.2021 and direct respondent No. 2, to re-consider the case of the petitioner for compassionate appointment, on the basis of the application dated 21.02.2013. The same shall be done within a period of eight weeks from today.

5. The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE)
JUDGE

(MANGESH S. PATIL)
JUDGE