

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

29 WRIT PETITION NO.13814 OF 2019

**YOGESH HANUMANT NALNAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Jadhav Mangesh M.
AGP for Respondent Nos. 1 to 6 : Mrs. V.N. Patil-Jadhav

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

DATE : 26.09.2022.

PER COURT :

We have heard the learned advocate for the petitioner as also the learned A.G.P.

2. The petitioners' claim for compassionate appointment in place of father of the petitioner No. 1 who was a Craft Instructor in the respondent No. 6 institute has been turned down on the sole ground that the father was in group 'B' category to which the scheme of compassionate appointment was not applicable. In doing so a reference was also made to the Government Resolution dated 02.07.2002 giving a classification and corresponding pay scales of Group 'A' to Group 'B' employees.

3. It appears that the very same issue was before this Court in respect of another employee from the same post, in Writ Petition No. 5440/2009 Dinesh Shamrao Sonawane Vs. State of Maharashtra and others decided on 05.02.2010. This Court had occasion to consider the comparative pay scales and their categorization made in the same Government Resolution of the year 2002. It was specifically held that the post would fall in group 'C' category. The decision was confirmed since a Special Leave to Appeal was

dismissed.

4. Consequently, in our considered view, the reason for which the petitioners' proposal was rejected is not sustainable in law. We, therefore, allow the writ petition partly and direct the respondents to consider the petitioners proposal on its own merits but which shall not be rejected only on the ground that the deceased was a group 'B' category employee. The decision shall be taken as early as possible and in any event within eight (08) weeks from today.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-