

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 5936 OF 2021**

The District Collector Nashik & Anr ...Petitioners  
*Versus*  
Shekhar Bajirao Patil ...Respondent

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**Mr NK Rajpurohit, AGP, for the Petitioner-State.**  
**Mr Vivek Rane, i/b Ashwin Kapadnis, for the Respondent.**

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**CORAM    G.S. Patel &  
              Gauri Godse, JJ.**  
**DATED:    5th September 2022**

**PC:-**

SHEPHALI  
SANJAY  
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1. This Writ Petition is thoroughly misconceived and should never have been filed. It is directed against an order and judgment dated 10th October 2019 by the Maharashtra Administrative Tribunal (“MAT”). The present 1st Respondent was the original Applicant before the MAT. He was the son of one Bajirao Patil, a deceased Government servant who died on 22nd September 2003. On 13th October 2003, Bajirao’s widow applied for compassionate appointment to meet her economically disadvantaged condition. Shekhar, the Applicant was born on 13th December 1991. Once he attained majority, he filed an application on 2nd February 2010 also seeking a compassionate appointment. There was no reply and he submitted afresh application on 18th September 2017. To this, the

Collector Nashik passed an order on 29th September 2017 rejecting the representation on grounds that are, to our mind, utterly bizarre and unworthy of the slightest credence. The collector said that Bajirao's widow's name was on the waiting list, but she attained the age of 45 on 1st June 2010 and therefore her name was deleted. There was no provision to "substitute" another person for the name of someone whose name was deleted from waiting list.

2. We cannot understand this approach. If the Government will not look after the impoverished families of its own employees, then who will? This argument that Shekhar is disadvantaged by his mother's name being deleted from the waiting list cannot withstand scrutiny. We do not know if the Government expects that once a name is on a waiting list the person on the waiting list will cease to age. The reasoning seems to be that if a person as a result of a biological inevitability achieves a certain age, then the wait list cut off will apply. The simplest way to deny someone compassionate appointment is, therefore, to put them on a waiting list and do nothing except await the passage of time and then to simply delete their names as age-barred. This cannot possibly be any government's approach.

3. Relying on well-settled authority, in admirably compact and well-reasoned order, the MAT correctly quashed the order in question, allowed the Original Application and directed the Collector to consider Shekhar's name for compassionate appointment and to include it on the waiting list. Learning from the record, the MAT also correctly said that the process was to be

completed within two months from the date of that order and the outcome to be communicated to Shekhar within two weeks thereafter.

4. We find absolutely no infirmity in the impugned order. The Petition is entirely without merit. It is dismissed. No costs.

**(Gauri Godse, J)**

**(G. S. Patel, J)**