

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO.7019 OF 2019

VINOD BABURAO SAMPATWAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for petitioner : Mr. Mahesh P. Kale
AGP for the respondent – State : Mr. A.A. Jagatkar
Advocate for respondent no. 3 : Mr. V.S. Panpatte
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 6 JULY 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard.

2. The petitioner is seeking appointment on compassionate ground with the respondent no. 3 – Zilla Parishad, Parbhani.

3. By the impugned order, respondent no. 3 has refused to consider such appointment by referring to a government resolution and on the ground that the petitioner's father was appointed against a post which was from the self-generated funds of the Zilla Parishad, which was to lapse on the death or superannuation of the incumbent.

4. Though the learned advocate Mr. Panpatte for the respondent no. 3 strenuously opposes the petition and supports the

order, as has been rightly pointed out by learned advocate for the petitioner, selfsame Zilla Parishad, Parbhani has, in several matters of the same kind given appointments on compassionate ground may be pursuant to the orders of this Court in the similar fact situation wherein the deceased were similarly appointed against the post to be paid from the self-generated funds (writ petition no. 1441 of 2018 in the matter of **Vikram Manohar Wadmare Vs. State of Maharashtra and others** decided on 08-01-2019). Subsequently, in the matter of **Piyush Pradip Kendrekar Vs. The State of Maharashtra and others** in writ petition no. 5531 of 2021 by order dated 01-09-2021 a similar direction was issued to the same Zilla Parishad for considering the request for compassionate appointment.

5. Pertinently, the Zilla Parishad had also attempted to take exception to the decision in writ petition no. 1441 of 2018 by taking out a review but it was dismissed as mentioned in the order of **Piyush** (supra).

6. If such is the state-of-affairs, when this Court has repeatedly directed the selfsame Zilla Parishad to consider the request for compassionate appointment even in respect of the employees appointed to a post against the self-generated funds the stand of the respondent – Zilla Parishad now is clearly bold one.

7. We allow the writ petition partly, quash and set aside the impugned order and direct the respondent no. 3 to consider the application of the petitioner on its own merits but it shall not be rejected on the ground mentioned in the impugned communication.

8. The decision shall be taken as expeditiously as possible and in any case within six weeks.

[SHAILESH P. BRAHME]
JUDGE

arp/

[MANGESH S. PATIL]
JUDGE