



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1308 OF 2023

Shri Om Santosh Neware,
age 20 years, occupation : student,
r/o Shradha Nagar 2, Khadki,
Akola, Taluq and District Akola.

... Petitioner

- Versus -

1) The State of Maharashtra,
through its Secretary for Rural
Development Department,
Mantralaya, Mumbai.

2) The Zilla Parishad, Akola,
through its Chief Executive
Officer, Akola, District Akola.

... Respondents

Shri S.M. Vaishnav, Advocate for petitioner.

Shri A.S. Fulzele, Additional Government Pleader for respondent no.1.

Shri U.J. Deshpande, Advocate for respondent no.2.

CORAM : A.S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATED : SEPTEMBER 11, 2023

ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :

Rule. Rule is made returnable forthwith. Heard finally with
the consent of the learned Counsel for the parties.

2) The father of the petitioner was working as Junior Clerk with Zilla Parishad, Akola. On his death in harness, the petitioner sought appointment on compassionate basis by moving application dated 10/7/2013. The name of the petitioner's mother was initially considered for grant of compassionate appointment, after which her name was substituted with that of the petitioner. During pendency of the petitioner's application, the Chief Executive Officer, Zilla Parishad, Akola had sought guidance from the Rural Development Department in the matter of substituting the petitioner's name in place of his mother in the list of persons seeking compassionate appointment. In the list of such applicants, the petitioner's name stands at serial no.3. It is not in dispute that the candidate whose name was at serial no.2 in the said waiting list had approached this Court in Writ Petition No.5242/2022 (**Pratik Prakash Nagpure vs. The State of Maharashtra and another**). By the judgment dated 10/3/2023 this Court had set aside the endorsement made against his name that subject to approval of the State Government, appointment would be made. It is submitted that similar endorsement has been made against the name of the petitioner.

3) We have heard the learned Counsel for the parties and perused the documents on record. We find the petitioner entitled to similar relief that was granted to the candidate at serial no.2. Accordingly, for the reasons recorded in the judgment in **Pratik Prakash Nagpure**

(supra), it is directed that the endorsement made in the said waiting list against the name of the petitioner shall stand quashed. The claim of the petitioner would be considered in accordance with his seniority in the said list. The Zilla Parishad to accordingly issue an appointment order to the petitioner as and when his turn is arrived at in the said list.

4) Rule is made absolute in the aforesaid terms. No order as to costs.

JUDGE

JUDGE

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