

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4451 OF 2021

1. Sunita Purushottam Kudve,
Age 48 years. Occu. Housewife
 2. Priyanka Purushottam Kudve,
Age 28 yrs, Occu. Labour work
Both residents of House No.597
Republican Nagar, Indora Zopada
Jaripatka Road, Indora, Nagpur
- ... Petitioners

-vs-

1. Maharashtra State Warehouse Corporation,
through its Managing Director, 583/B,
Market Yard, Gul Tekadi, Pune 411037
 2. State of Maharashtra
Through it's Chief Secretary
Mantralaya, Mumbai
- ... Respondents

Shri S. S. Das, Advocate for petitioners.
Shri N. R. Saboo, Advocate with Ms A. S. Lanjewar, Advocate for respondent No.1.
Ms N. P. Mehta, Assistant Government Pleader for respondent No.2.

CORAM : A. S. CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE : March 24, 2023

Oral Judgment (Per : A. S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

The husband of petitioner No.1 and father of petitioner No.2 was in employment with the respondent No.1-Corporation. He died in harness on 17/03/2012. The petitioner No.1 sought appointment on

compassionate basis by moving an application dated 12/04/2012. The respondent No.1 on 28/11/2017 informed the petitioners that since the petitioner No.1 had crossed the age of forty five years, her name was liable to be struck off from the waiting list. The petitioner No.2 made a fresh application dated 22/12/2017 seeking appointment on compassionate basis. This application has been rejected on 08/02/2018 by stating therein that there was no provision to substitute a name that was already entered in the waiting list. Being aggrieved by the said communication, the petitioner No.2 issued fresh communication on 15/07/2020 seeking re-consideration of the decision taken by the respondent No.1. In aforesaid backdrop, this writ petition has been filed seeking consideration of the name of petitioner No.2 for compassionate appointment.

2. On hearing the learned counsel for the parties and after perusing the documents on record, it can be seen that after the Corporation rejected the request made by the petitioner No.2 on 08/02/2018, this Court has in Writ Petition No.6267/2018 (*Dnyaneshwar s/o Ramkishan Musane vs. The State of Maharashtra, Thr. Secretary, School Education and Sports Dept. Mantralaya, Mumbai and ors.*) decided on 11/03/2020 at the Aurangabad Bench taken a view that denial of request for substitution of the name of legal representative in place of the

name existing in such list in the context of Government Resolution dated 20/05/2015 is unjustified. We therefore find that the application dated 15/07/2020 made by the petitioner No.2 seeking re-consideration of such request deserves to be considered by the Corporation in the light of aforesaid decision.

3. In view of aforesaid, the respondent No.1-Corporation is directed to consider the petitioner's application dated 15/07/2020 and take a decision thereon within a period of six weeks from receiving copy of this judgment.

It is made clear that in the light of the decision in *Dnyaneswhwar Musane* (supra), the earlier order dated 08/02/2018 shall not come in the way of parties when such fresh decision is taken.

The Writ Petition is disposed of in aforesaid terms. Rule accordingly. No order as to costs.

(M. W. Chandwani, J.)

(A. S. Chandurkar, J.)

Asmita