

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION 3421/2020

YASIR KHAN S/O MUJAHID RASOOL KHAN
 VS

THE STATE OF MAHARASHTRA, THROUGH PRINCIPAL SECRETARY, URBAN DEVELOPMENT DEPARTMENT,
 MUMBAI AND ORS

Office Notes, Office Memoranda of
 Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Firdos Mirza, Advocate for the petitioner
 Mr. N.S. Rao, AGP for respondents 1 and 2
 Mr. PP. Deshmukh, Advocate for respondent 3
 Ms. Trishila Dhait h/f. Mr. Abhay Sambre, Advocates for
 respondent 4
 Mr. Shajal Sarda h/f. Mr. V.V.Bhangde, Advocates for
 respondent 5

CORAM : **ROHIT B. DEO AND**
Y.G. KHOBRAGADE, JJ.

DATED : **13/01/2023**

The grievance, as initially raised, was that respondents 4 and 5 are given compassionate appointment in supersession of the better playing of the petitioner.

2. Respondent 3 has filed an affidavit dated 24.08.2022, of which paragraph 16 reads thus:-

“16. It is submitted that, the answering respondent by its communication dated 01.01.2021 & 10.01.2022 had already forwarded the waiting list of the candidates of Compassionate Appointment Class C, to the office of the respondent No.2. But till the date answering respondent not received propose/Final waiting list

*of the candidates of Compassionate Appointment from the office of the respondent No.2. It is pertinent point out that, as per waiting list the name of the petitioner is at Sr. No. 5 & earlier 4 senior candidates had given appointment on Compassionate ground & the petitioner is next candidate. At the cost of repetition, it is pointed out that, till the date answering respondent not received propose/Final waiting list of the candidates of Compassionate Appointment from the office of the respondent No. 2. The copy of the both the communication dated 01.01.2021 & 10.01.2022 along with waiting list is jointly annexed herewith and marked as **Annexure No. R-3-G.**”*

3. The learned Counsel for the petitioner, Mr. Firdos Mirza, submits that the petitioner shall be satisfied if respondent 2 Collector takes an appropriate decision on the list which is forwarded by the Municipal Council.

4. Learned Assistant Government Pleader, Mr. Rao, states that a decision, either way, shall be taken on the list forwarded by the Municipal Council to the Collector within four weeks. The statement is accepted.

5. The petition is disposed of.

(Y.G. KHOBRADE, J.)

(ROHIT B. DEO J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
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