

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

WRIT PETITION (WP) NO. 4594/2021

DIGVIJAY S/O DIWAKAR MUNDWAIK

VS

THE ZILLA PARISHAD, YAVATMAL AND OTHERS

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

Court's or Judge's Order

Mr. N.B. Kalwaghe, Advocate for the petitioner

Mr. S.C. Bhalerao, Advocate for the respondents

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

DATED : 20/03/2023

Rule. Rule made returnable forthwith. Heard the learned Counsel for the parties.

2. The petitioner seeks appointment on compassionate basis consequent upon the death of his mother who was serving with Zilla Parishad, Yavatmal on the post of Assistant Teacher. The petitioner's mother having expired on 12.10.2020, the application was made on 26.10.2020. Incidentally, the petitioner's father was also in employment with the Zilla Parishad and he has since retired on 30.06.2022. The petitioner seeks to rely upon Clause 5(e) of the Government Resolution dated 21.09.2017 but, it is submitted that the petitioner's application dated 26.10.2020 is silent in that regard. Even the subsequent application dated 17.05.2021 does not state that the petitioner's father is not supporting him financially. It is specific case of the petitioner that he had during the lifetime of his mother separated from the family in the year 2014. It is thus prayed that the Zilla Parishad be directed to consider the petitioner's claim in accordance with the Government Resolution dated 21.09.2017.

3. Having perused the documents on records and after hearing the learned Counsel for the parties, we find that the petitioner's applications dated 26.10.2020 and 17.05.2021 do not specifically state the basis for seeking such appointment on compassionate basis in the light of the fact that after the death of his mother the petitioner's father was in employment with the Zilla Parishad.

4. In these facts, the learned Counsel for the petitioner submits that the petitioner may be permitted to submit a fresh application giving all necessary details in the context of the Government Resolution dated 21.09.2017.

5. The petitioner's application dated 26.10.2020 has been rejected by the impugned communication dated 08.04.2021 on the ground that his mother was in service of the Zilla Parishad. In absence of any such stand taken that the petitioner was not being supported by his father, there was no occasion for the Zilla Parishad to consider the same. In these facts, we find that the petitioner can be permitted to make a fresh application for seeking grant of appointment on compassionate basis in the light of the Government Resolution dated 21.09.2017 by giving all necessary details. If such application is made by the petitioner, the respondents shall consider the same in accordance with law and necessary decision be taken within a period of twelve weeks from the receipt of such application. Decision taken be communicated to the petitioner.

6. The writ petition is disposed of with aforesaid terms. No Costs.

**SANDIP
MAHADEV
GATE**

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV GATE
Date: 2023.03.21
19:11:51 +0530

(M. W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)