

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

WRIT PETITION NO. 6257 OF 2022

Pornima Mohansing Pawar, Aged about 27 years, Occup.Nil, R/o Surtoli, Post Lohara, Taq. Deori, Dist. Gondia. **Petitioner**

-Vs.-

1. Zilla Parishad, Gondia, through its Chief Executive Officer, Zilla Parishad, Gondia, Tq. And Dist. Gondia.
2. Deputy Chief Executive Officer, Gendral Administration Department Zilla Parishad, Gondia.

Respondents

Mr.J.K.Matale, counsel for the petitioner.
Mr.Anant M.Dixit, counsel for respondent 1 and 2.

**CORAM: ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 3rd APRIL, 2023

O R A L J U D G M E N T (Per : Mrs. Vrushali V.Joshi, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. The petitioner seeks writ order or direction against the respondent No.2 i.e. Chief Executive Officer, Zilla Parishad, Gondia to restore the name of the petitioner in waiting list dated 10.06.2021 and to consider her name for appointment on compassionate ground and further seeks direction against CEO Zilla Parishad, Gondia to decide her claim for appointment on compassionate ground.

4. The petitioner contends that the respondents illegally, without any prior notice or any intimation, have removed the name of the petitioner from waiting list dated 10.06.2021 though she is on waiting list since the year 2011 for the appointment on compassionate ground.

5. Deceased Mohansingh Pawar, the father of the petitioner was working in Zilla Parishad, Gondia. He died on 23.10.2005, while working as Attendant. After the death of deceased in the year 2006, the wife of deceased, Smt.Premlata Mohansingh Pawar, who is the mother of the petitioner applied for compassionate appointment and accordingly, name of mother of the petitioner was included in waiting list for the appointment on compassionate basis in place of her husband.

6. In the year 2011, mother of the petitioner-Premlata requested Zilla Parishad, Gondia to replace her name with the name of her daughter Ms. Pornima Mohansingh Pawar and submitted the consent affidavit on 01.02.2021. The General Administration Department of respondent Zilla Parishad, Gondia, entered the name of the petitioner in waiting list at Sr.No.306. The waiting list is published by respondents by entering the name of the petitioner's daughter Pornima. The name of the

petitioner was in waiting list issued by respondents authorities time to time. Respondents, thereafter again issued letter to petitioner for verification of her documents on 30.06.2016. The name of the petitioner was at Sr no. 254 and again in the year, 2017 the respondents issued the verification letter as per list dated 13/10/2017, wherein the name of the petitioner was at Sr No. 254. Accordingly, the petitioner appeared before the respondent Zilla Parishad on 07/01/2019 and her name was in the said list at Sr. No.119.

7. While publishing the waiting list on 10.06.2021, respondents have removed the name of the petitioner from the waiting list without issuing any notice or prior intimation to the petitioner. The name of mother of petitioner i.e. Premlata Mohansingh Pawar was shown as not eligible and the name of the petitioner was removed. The petitioner has made representation, but the respondents have not given any reason, for again

including the name of the mother of the petitioner and removing her name. Therefore, the petitioner has filed this writ petition.

8. The respondents have filed their say stating that as per the Government Decision dated 21.09.2017, once the name of qualifying member in the family taken in the compassionate waiting list, then subsequently another member of the family cannot be included except in the event of the death of candidate in the waiting list. As per the record, mother of the petitioner first applied, hence, the name of the mother of petitioner was kept in the waiting list. As per the decision dated 21.09.2017, clause (11), the age limit is minimum 18 and maximum 45 years prescribed. Accordingly, mother of petitioner Smt. Premlata Mohansingh Pawar on exceeding the age of 45 years, her name was deducted passing the order dated 25.08.2021.

9. On perusal of record, it appears that after the petitioner attaining the age of majority, the mother of petitioner has applied to the respondents for including her name and accordingly, the name of petitioner was included and she was on waiting list. Once, the petitioner was taken on waiting list, how the name of her mother is again taken on waiting list is not explained by the respondents. The petitioner was included in waiting list after following the due process after verifying the documents and once, the name of the petitioner was included in the waiting list, the name of her mother was deleted. Time to time the waiting list was communicated to the petitioner and surprisingly, the name of petitioner was removed and the name of mother is shown as not eligible for the post as she has attained the age of 45 years. Even before the mother attaining the age of 45 years, the name of petitioner was included in the waiting list, therefore, the action of the respondents of removing the name of the petitioner and denying appointment on

the ground that her mother is not eligible for appointment is illegal. Hence, we allow the writ petition as per prayer clause-1 which reads thus:

“i. By directing the respondent authorities of Zilla Parishad, Gondia to restore/insert/incorporate the name of the petitioner in the waiting list dated 10.06.2021 at Annexure-1 issued by respondents for the appointment on compassionate basis and issue further directions to appoint the petitioner in the appointment process as per her serial number as per the educational qualification”.

10. Rule is made absolute in the above terms. No order as to costs.

(MRS.VRUSHALI V. JOSHI, J)

(ROHIT B. DEO)