



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO. 6080 OF 2024

SANTOSH BALASAHEB ALIAS BALU DHORE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...

Mr. Yadav Nandkishor U., Advocate for the Petitioner
Mr. B. M. Dhanure, AGP for Respondents State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 25th June, 2024

ORDER:

1. The Petitioner's father passed away on 26.10.2007. The Petitioner's mother applied on 30.10.2007, seeking compassionate appointment for the elder son Mahesh, who was 32 years of age. Now he is 49 years old. The second child of the deceased is daughter Sanjivani, who is married and 46 years old. The third child is daughter Suhasini, who is 44 years of age and is married. The Petitioner is the 4th child of the deceased, who is now 42 years old.

2. The learned AGP submits that the case is likely to be hit by the verdict of the Full Bench of this Court in the case of **Sunita w/o Dinesh Gaikwad & another Vs. The State of Maharashtra and another**, dated 27th July, 2023, delivered in Writ Petition No.9284 of 2022, wherein the view taken in **Kashabai Sahebrao Wagh Vs. Zilla Parishad, Nashik and others**, dated 03.07.2019 in Writ Petition No.7742 of 2014, is held to be

not laying down the correct law and the view taken by other Division Bench [Coram: Dipankar Datta, CJ. (as His Lordship then was) and M.S. Karnik, J.] in Writ Petition No. 6819/2021 (Bhagyashree Pradip Chopade Vs. MIDC and others) was sustained, concluding that after the cut off date, if a child, beyond two or after those existing prior to the cut off date, is born, compassionate appointment would not be available to a legal heir.

3. The Petitioner has also not stated what were the retiral benefits received at the time of the demise of the bread earner in 2007 and what is the pension received by the widow today. So also, the details about the employment of the elder son Mahesh and the present Petitioner who is 42 years of age, have not been set out. So also, there is no pleading as to how the family survived for the last 17 years. Let the the Petitioner file an affidavit putting forth all these details before the Court. Affidavit to be filed on or before 5th July, 2024.

4. List this Petition in the fresh admissions category on 10th July, 2024.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan