



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.604 OF 2024

Kabir Madhukar Bagul

... Petitioner

Versus

The District Collector Nashik
Urban Development And Anr.

... Respondents

...

Adv. Bhushan A. Bandiwadekar for the Petitioner.

Adv. S. B. Kalel, AGP for the Respondent-State

...

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 26th NOVEMBER, 2024

Per Court :-

1. By this Petition, the Petitioner who is around 30 years of age, desires that his mother's name be replaced with his name for seeking compassionate appointment, as his mother has already turned 45 years of age. His father passed away almost 24 years ago, on 13th December, 2000. His mother moved an application on 9th March, 2001 and was enlisted as an eligible candidate for compassionate appointment.

2. The Petitioner was about 6 years of age when his father passed away. Now, that his mother has become age barred, the Petitioner desires that his name should be enlisted in place of his mother. Reliance

is placed upon view taken by the learned Full Bench of this Court in *Kalpana W/o Vilas Taram And Anr vs. State of Maharashtra And Ors., reported in 2024 (4) Mh.L.J. 312* and the recent judgment dated 11th October, 2024 delivered at the Nagpur Bench in Writ Petition No.4918 of 2022 (*Manisha w/o Vinod Yewale And Anr vs. The State of Maharashtra*).

3. The issue before us is that the mother has become age barred and the Petitioner can be enlisted in her place, since, it is permissible to enlist an eligible blood relative who was dependent upon the bread earner. In the face of a situation wherein, the mother of the Petitioner has become age barred, we do not find any impediment in directing the Authority to enlist the name of the Petitioner in place of his mother and such enlistment would be effective from the date of the Application made by the mother, for the purpose of seniority amongst the eligible enlisted candidates for compassionate appointment.

4. We are make it clear that we have not expressed any view as regards the passage of 24 years after the demise of the sole bread earner and the claim of the Petitioner. The issue of granting compassionate appointment to the Petitioner is to be considered by the prospective

employer.

5. With the above direction, **this Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)