

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15118 OF 2024

Amol Balkrishna Jangale ... Petitioner
versus
Chief Executive Officer,
Zilla Parishad, Sindhudurg & Ors. ... Respondents

....

Mr.I.M. Khairdi for the Petitioner.
Mr.V.M.Mali, AGP for Respondent Nos. 3 and 4-State.

....

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

DATE : 3RD DECEMBER, 2024

P.C.:

1. The issue is as regards compassionate appointment. The deceased had three children and the last child was born on 28th April, 2004.

2. The learned Advocate for the Petitioner submits that this Court may have to consider whether, the Small Family Notification effective from 1st January, 2002 would be applicable or whether the Notification dated 1st July, 2005 with regard to Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 would operate from the said date.

3. **Issue notice to the Respondents**, returnable on 15th January, 2025. The learned AGP waives service of notice on behalf of Respondent Nos. 3 and 4.

4. It may be noted that the view taken by one Division Bench of this Court on 3rd July, 2019 in Writ Petition No. 7742 of 2014 (*Kashabai Sheshrao Wagh Vs. The Zilla Parishad, Nashik and others*) declaring the Small Family clause on compassionate appointment set out in the Government Resolution dated 28th March, 2001 to be unconstitutional, is held to be not good law and is restricted to *Kashabai*, in view of the judgment dated 27th July, 2023 delivered by the Full Bench at Aurangabad in Writ Petition No. 9284 of 2022 (*Sunita w/o Dinesh Gaikwad & Anr. Versus The State of Maharashtra & Anr.*).

(ASHWIN D. BHOBE,J.)

(RAVINDRA V. GHUGE, J.)