



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

Writ Petition No.1291 of 2022

[Kul Shubhangi Manikrao @ Dipak Suryawanshi **VERSUS** The State of Maharashtra and others]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Pravin Palhade, Counsel for Petitioner.
Shri S.M. Ukey, Additional Government Pleader for Respondent No.1.
Shri S.V. Deshmukh, Counsel for Respondent No.3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 26th MARCH, 2024

P C. :

1. The father of the petitioner was working as a Conductor, on whose place the petitioner sought compassionate appointment, which prayer was rejected by the respondent No.3-Divisional Controller by the communication dated 26-2-2018. Hence, this petition.
2. After heaving heard the respective counsel for some time, it can be borne out of the record that the only reason furnished by the petitioner for rejecting her application moved on 20-12-2017 for grant of employment is the difference in the name of the father of the petitioner. In the record of the respondent-Corporation, the name of the father of the petitioner is recorded as Manikrao S/o Shaligram Suryawanshi, whereas the petitioner has produced the document which demonstrates the name of her father as Dipak. That being so, the respondent-Corporation has passed the impugned order.
3. The petitioner has tried to justify her claim that the name of her father even if in the record is mentioned as Manikrao S/o Shaligram Suryawanshi, the

fact remains that Dipak and Manikrao are one and the same person and the same can be demonstrated from the record.

4. In the aforesaid background, we are of the view that the petitioner can be given an opportunity to appear before the respondent No.3-Divisional Controller along with all documents, including annexures to the petition and the pleadings therein, and based on the same, the Divisional Controller can pass a reasoned order afresh in the matter. It is also to be observed that it shall be open for the Divisional Controller to conduct a discreet enquiry in the matter *qua* the verification of the name of the father of the petitioner, namely Manikrao and Dipak, who are claimed to be one and the same person.

5. That being so, the petition is allowed. The impugned order dated 26-2-2018 passed by the respondent No.3-Divisional Controller is hereby quashed and set aside.

6. We permit the petitioner to appear before the respondent No.3- Divisional Controller on 5-4-2024 with all relevant documentary evidence so as to demonstrate that Manikrao and Dipak are one and the same person, who happened to be the father of the petitioner.

7. We expect the respondent No.3-Divisional Controller to pass an appropriate order as expeditiously as possible and in any case within a period of twelve weeks from the date of appearance of the petitioner before him.

8. The petition stands partly allowed. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)