

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

WRIT PETITION NO.3831 OF 2023

Vishwajit S/o Haridas Bhagat

...Versus...

Chief Executive Officer, Zilla Parishad, Yavatmal and another

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

Court's or Judge's orders

Shri Raju Kadu, Advocate for petitioner.

**CORAM : AVINASH G. GHAROTE, AND
M.W. CHANDWANI, JJ.**

DATE : 06/08/2024

. Heard. Mr. Kadu, learned counsel for petitioner.

2. The petition seeks compassionate appointment of the brother of the deceased Deepak Haridas Bhagat, in place of the son Sushil Bhagat, who is already wait listed. A perusal of the policy for compassionate appointment, as reflected from the Government Resolution dated 21.09.2017, would indicate that the brother of the deceased is not an eligible person, in terms clause 4(a) (i) to (iv) of the said policy.

3. Clause 4(a) (v) of the said policy, would come into effect, only where the deceased had passed away unmarried and had a brother or sister dependent upon him. In that view of the matter, as the son of the deceased is already wait listed in the wait list for compassionate appointment, it would not be permissible for the brother of the deceased, to be

nominated by him, to be substituted in his place. The learned Full Bench, in *Kalpana Wd/o Vilas Taram and another Vs. State of Maharashtra and others* [2024 (4) Mh.L.J. 312] also do not hold, that the substitution can be contrary to the policy.

4. In that view of the matter, we are not inclined to interfere in the instant petition and the same is dismissed with no costs.

(M.W. CHANDWANI, J.)

(AVINASH G. GHAROTE, J.)

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