



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

Writ Petition No.3396/2022
(Sampada V 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 orders

Mr. G.O. Godge, Advocate h/f Mr. P.S. Kshirsagar, Advocate for petitioner.
Mr. Rao, AGP for resp. nos. 1 and 2.
Mr. S.R. Wagh, Advocate h/f Ms Gayatri Reve, Advocate for resp. no.3.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ
DATE : 06-08-2024.

Heard.

ii. The petitioner's mother was in the employment of respondent no.3. After the death of mother of the petitioner, Purushottam, father of the petitioner sought employment and as such, Purushottam's name was taken by respondent no.3 on the wait list of the candidates, who are qualified for the compassionate appointment.

iii. The father of the petitioner Purushottam incurred disqualification having crossed the age of 45 years and that being so, the candidature of the petitioner was suggested. However, the respondent employer referred the issue to the State Government for its guidance.

iv. Vide impugned communication, the State Government has rejected the prayer of the petitioner.

v. The learned Counsel for the petitioner would invite our attention to the Full Bench judgment of this Court in the matter of *Kalpna and others vs State of Maharashtra and others*, reported in *2024(4) Mh.L.J. 312*, so as to claim that the substitution of name is very much permissible.

vi. The aforesaid position of law cannot be disputed.

vii. In that view of the matter, we allow the petition by quashing the impugned orders, thereby directing the respondent no.3 employer to reconsider the claim of the petitioner for placing her candidature on the wait list for grant of compassionate appointment and same be further considered in accordance with the Full Bench judgment of this Court referred above. The petition accordingly stands allowed.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)