



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO.3093/2023

1. Smt. Meera Gulabrao Tichkule
Aged about 49 years,
Occ.- Household.
2. Sahil Gulabrao Tichkule,
Aged about 23 years, Occ. Student,
Both R/o. Plot No.44, Kisanlal Nagar,
Kesalwada, Bhandara, Manarashtra-
441906.

....PETITIONERS

....VERSUS....

1. State of Maharashtra,
through its Secretary of Rural
Development, Mantralaya, Mumbai.
2. Zilla Parishad, Bhandara
Through its Chief Executive Officer.

....RESPONDENTS

Shri N.S. Warulkar, Adv. with Shri S.K. Bhattacharya, Adv. for petitioner
Shri Saurabh Joshi, AGP for respondent No.1
Shri R.S. Khobragade, Advocate for respondent No.2

CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, J.

DATED: 16/08/2024

ORAL JUDGMENT (PER SMT. M.S. JAWALKAR, J.)

. Rule. Rule made returnable forthwith. Heard
finally by consent of learned Counsel for the parties.

2. The present petition is filed challenging the communication dated 29/03/2023 passed by the Chief Executive Officer, Zilla Parishad, Bhandra, whereby request of petitioner No.2 for substitution and inclusion of her name in place of her mother i.e. petitioner No.1 in waiting list maintained by the Zilla Parishad of the candidate to be appointed on compassionate appointment. As husband of petitioner No.1 Gulabrao Tichkule was working in Zilla Parishad Primary School, at Saleburdi, Panchayat Samiti – Mohadi, passed away on 21/12/2007 leaving behind the petitioners. The petitioner No.1 applied for appointment on compassionate ground in place of her husband, her name was enlisted. Further, as she has attained the age of 45 years, her name was directed to be removed from the waiting list. Hence, she applied for substitution of the name of her son namely Sahil Gulabrao Tichkule.

3. The respondents initially included name of the

petitioner No.2 in the waiting list substituting name of petitioner No.1. However, when she has approached to the respondent No.2 for verification of documents, she was informed that her name was removed from the waiting list in view of Government Resolution dated 20/05/2015. Her request for substitution came to be rejected without granting hearing.

4. Learned Counsel for petitioners relied on the Full Bench judgment in *Kalpana wd/o Vilas Taram and another Vs. State of Maharashtra and others, 2024(4) Mh.L.J. (F.B.)312*. In view of the judgment, name of daughter of petitioner No.1 can be substituted in place of name of petitioner No.1. As such, present petition is allowed in terms of the Full Bench judgment in *Kalpana Taram (supra)*.

5. The impugned communication dated

29/03/2023 is hereby quashed and set aside.

6. The respondent No.2 is hereby directed to substitute name of petitioner No.2 in place of petitioner No.1 in the waiting list of candidates seeking compassionate appointment and to consider petitioner No.2's candidature for future appointment in Zilla Parishad, Bhandara.

7. Rule is made absolute in above terms. No order as to costs.

(Judge)

(Judge)

R.S. Sahare