



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

WRIT PETITION NO.8494/2023

The State of Maharashtra, through its Secretary, Department of Health, Mantralaya,
Mumbai – 32 and others

...Versus...

Shri Rupesh Nandlal Rawat (Raut)

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

Court's or Judge's orders

Mr. N.R. Patil, AGP for petitioners
Mr. A.R. Prasad, Advocate for respondent

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

DATE : 30/04/2024

1. The petition questions the judgment dated 12/08/2022 passed by the learned Maharashtra Administrative Tribunal in Original Application No.613/2018 to the extent it relates to the seniority list and the direction, as contained in operative para (iii), which directs the petitioners to provide suitable appointment on compassionate ground, as per rules.

2. It is contended by Mr. Patil, learned Assistant Government Pleader for the petitioners that this direction is not warranted, as the list will have to be operated based upon the vacancies, which may become available in terms of the policy, as applicable.

3. Advocate Mr. A.R. Prasad, appears for the respondent and waives notice and requests the matter to be disposed of finally.

4. As indicated above, inclusion of the name of respondent in the seniority list, would entitle him to be considered for appointment in the seats, which are reserved for compassionate appointment and in terms of the policy applicable. That being the position, the direction to provide suitable appointment has a capability of being misconstrued and therefore, cannot be sustained. The writ petition is, therefore, partly allowed by setting aside the impugned judgment dated 12/08/2022 to the extent of operative para (iii) insofar as it directs the petitioners to provide suitable employment on compassionate ground, as per rules by modifying the same, in terms of what has been indicated above. In the circumstances, there shall be no order as to costs.

(SMT. M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)