



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

WRIT PETITION NO. 8019 OF 2022

(Amol s/o Gajanan Nikode ..vs.. State of Maharashtra, through Secretary, Mumbai and others)

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

Court's or Judge's orders

Ms. Naziya S. Pathan, Counsel for the petitioner,
Ms. N.P. Mehta, Addl.G.P. for respondent Nos.1 & 3,
Mr. M.I. Dhattrak, Counsel for respondent No.2.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 24-07-2024

The petitioner Amol Nikode sought compassionate appointment as his father Gajanan died on 25-5-2010 while he was in service, after rendering more than thirteen years of service.

2. Since the petitioner Amol was minor, her mother's name was initially added in the waiting list of the eligible candidates for compassionate appointment. Petitioner Amol, after attaining the age of majority, applied for substitution of the name at his mother's place, which request is rejected on the ground that the substitution is not permissible.

3. The said issue fell for consideration before the Full Bench of this Court in the matter of *Kalpana wd/o Vilas Taram and another v. State of Maharashtra and others* reported in *2024(4) Mh.L.J. (F.B.) 312*.

4. As the issue of permitting the substitution is already endorsed by the Full Bench of this Court, the cause cited for not granting substitution in favour of the petitioner is not germane. That being so, we set aside the decision of the respondents of refusing to substitute the candidature of the petitioner for grant of employment on compassionate ground.

5. We permit the petitioner to appear before the Additional Municipal Commissioner, Chandrapur on 05-8-2024.

6. The Additional Commissioner shall deal with the claim of the petitioner in the light of the Full Bench decision of this Court in the matter of ***Kalpana wd/o Vilas Taram and another*** referred *supra* as expeditiously as possible and in any case within a period of four weeks from the date of appearance.

7. Once the petitioner is allowed to be eligible for employment on compassionate ground, the appointment order be issued to the petitioner as per seniority.

8. The petition accordingly partly allowed in the above terms.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)