



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO. 3290 OF 2020

ANIKET PRAVIN SALVE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr.Dhananjay Mane h/f. Mr. Talekar Nagesh G.

AGP for Respondent/State : Mr. P.S. Patil

Advocate for Respondent Nos. 2 and 3 : Mr. Kothari P P

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**CORAM : R.G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.**

DATE : 10.10.2025

PER COURT :

. Heard.

2. The petitioner's application for compassionate appointment was turned down, on the ground of there being no policy of substitution. The father of the petitioner was serving as a 'Clerk' with the Respondent No.2/ Zilla Parishad. He died in harness, in January 2009. His widow (Mother of the Petitioner), moved an application for appointment on compassionate ground. The application was moved within the time frame in the year 2012, she attained 45 years of age. As per the policy then prevailing, a candidate attaining age of 45 years, was not eligible for appointment on compassionate ground. Her name

was therefore, removed from the wait list. She thereafter, moved an application of the present petitioner, to take him on the wait list. As stated above, the application was turned down, for want of there being, no such policy in vogue.

3. The learned Advocate for the Petitioner relies on a full-bench judgment of this Court in the case of **Kalpana Wd/o.Vilas Taram And Another Vs. The State of Maharashtra and Others** reported in **2024 (4) Bom CR.405**, wherein substitution has been permitted.

4. The learned Advocate for the Respondent/Zilla Parishad does not dispute. According to him, the petitioner attained the age of majority, in the year 2017 and therefore, if the Court grants him relief, his name would be included in the wait list, from the date he attained majority.

5. The learned Advocate for the Petitioner is agreeable with the same.

6. In view of the above, the Writ Petition is allowed in terms of the following order :

ORDER

i) The communication dated 06.03.2019 is hereby

quashed and set-aside.

ii) The Respondent No.2/ Zilla Parishad is directed to take the Petitioner on the wait list of the candidates, for appointment on compassionate ground and grant him suitable position, in terms of the Rules prevailing.

iii) The Petitioner's name be included in the wait list, on the date on which, he attained the age of majority i.e 18 years of age.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)

vsj..