



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2535 OF 2023

YASHRAJ SUNIL DESHMUKH

VERSUS

THE STATE OF MAHARASHTRA THROUGH
SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. R.R. Kale h/f.

Mr. Nirmal Ramchandra J.

AGP for Respondent/state : Mr. S.R. Yadav Lonika

Advocate for Respondents No.2 and 3: Mr. Satyajit S. Bora

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CORAM : KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.

DATE : 08.12.2025

PER COURT:

1. This petition is filed seeking direction to the respondent – Employer of the deceased employee to insert the name of the petitioner in the list of the persons seeking appointment on compassionate ground. The facts are not disputed. The only question is about non-inclusion and non-granting seniority to the petitioner in the said list on the date on which he filed an application. The learned advocate for the petitioner relies upon the order passed by this Court dated 08.07.2025 in Writ Petition No.6002/2025, wherein, it is held that Clause 5 of the Government

Resolution dated 21.09.2017 is ultra vires. The judgment is based on the judgment of the full Bench in the case of **Kalpana and Ors. Vs. The State of Maharashtra and Ors.; 2024 (4) Mh.L.J. 312.**

2. Thus considering above the position is fairly conceded by learned advocate Mr. Bora for the respondents No.2 and 3. We find that the petition can be allowed in view of this legal position.

3. The writ petition is allowed. The impugned order dated 25.01.2023 (**Exhibit – A**) is quashed and set aside. The petitioners name be included in the list of the persons seeking compassionate appointments. His name be included considering the date of his application. His seniority be calculated from the date of his application to respondents No.2 and 3. With these directions the writ petition is disposed of.

(ABASAHEB D. SHINDE, J.)

(KISHORE C. SANT, J.)