



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1086 WRIT PETITION NO. 2974 OF 2025

Gulam Asir Gulam Samdani

VERSUS

The State Of Maharashtra Throgh Secretary And Others

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Mr. Maniyar Irfan D, Advocate for the Petitioner

Mr. S.P. Sonpawale, AGP for Respondents State

Mr. S. S. Bora, Advocate for Respondents 2 and 3.

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CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.

DATE : 16th July, 2025

P. C. :

1. Rule. Rule made returnable forthwith. With consent of the parties, the petition is heard finally.

2. In this petition, on 05.03.2025, notice was issued for final disposal and the only grievance of the petitioner is with regard to his request for substitution of his name in place of his deceased brother in the waiting list maintained by the respondent Corporation for compassionate appointment.

3. The learned AGP appears on behalf of the respondent State while learned counsel Mr. Bora appears on behalf of Respondent Nos. 2 and 3 i.e. Officers of the Municipal Corporation, Parbhani.

4. We find that the controversy raised in the petition is no more *res integra* as Full Bench of this Court, in case of **Kalpna Wd/o Vilas Taram & Anr. Vs. The State of Maharashtra and Ors.** 2024 (4) MHLJ

312, has held that such substitution of names can be permitted even in a situation, where the person whose name was originally included crosses the age of 45 years.

5. Since the controversy is answered by the Full Bench in the aforementioned judgment and the position of law inures in favour of the petitioner, the writ petition deserves to be allowed.

6. Accordingly, the writ petition is allowed in terms of prayer clauses (B) and (C), which read as under:

"(B) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature the impugned order dated 06.09.2016 passed by respondent no.3 may kindly be quashed and set aside.

(C) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature application filed by the petitioner for substitution of the name in place of his brother for compassionate appointment may kindly be allowed and direct the respondents to appoint the petitioner on Class-3 or Class-4 post on the establishment of respondent nos. 2 and 3 forthwith."

7. The municipal corporation is directed to act accordingly within four weeks from today.

8. Rule is made absolute accordingly.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)