



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

WRIT PETITION NO. 7685 OF 2022

AMOL NAVNATH LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Manish P. Tripathi
AGP for Respondent No.1 : Mr. S. B. Pulkundwar
Advocate for Respondents No.2 and 3 : Mr. S. B. Ghute
...

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 10-01-2025

PER COURT:-

1. Heard both sides finally.
2. The petitioner is challenging the order dated 16.03.2022 passed by respondent No.2 / the Chief Executive Officer, Zilla Parishad, Osmanabad, rejecting the claim of the petitioner seeking appointment on compassionate ground. Initially, his mother's name was included in the wait list which was sought to be substituted by the petitioner's name, which is rejected by the impugned order.
3. The petitioner's father was rendering services as a Cleaner with respondent No.2, who died on 10.07.2003. Thereafter, his mother submitted application for appointment on compassionate

ground on 16.12.2003. By the order passed by this Court, in Writ Petition No.2654 of 2013, on 05.09.2013, her name was directed to be included in the wait list.

4. As his mother crossed her age of 45 years, the application was submitted to substitute her name, which is rejected by the impugned order.

5. The learned counsel for the petitioner is relying on the judgment of Division Bench of this Court, in the matter of ***Dnyaneshwar s/o. Ramkishan Musane vs. The State of Maharashtra, (Writ Petition No.6267 of 2018), dated 11.03.2020***. He tenders on record the judgment of Larger Bench, in the matter of ***Kalpana Vilas Taram vs. State of Maharashtra, AIR Online 2024 Bom 682***, which covers the field. There is no dispute that the judgment of ***Dnyaneshwar*** (supra) has been confirmed by the Larger Bench. The issue is squarely covered by these two judgments. The substitution of the name of the petitioner is permissible, if the earlier applicant has crossed the age of 45 and the substitution is sought for.

6. In view of the above position, we dispose of the writ petition and pass the following order:-

ORDER

- (i) The impugned order dated 16.03.2022 passed by respondent No.2 / the Chief Executive Officer, Zilla Parishad, Osmanabad, is quashed and set aside.

- (ii) Respondent No.2 shall include the name of the petitioner in the wait list and consider his claim according to the merits and seniority.
- (iii) Writ petition is disposed of with above directions.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE

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