



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

953 WRIT PETITION NO. 5935 OF 2025

**SHUBHAM HARIBHAU SONWANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Mr. Shrimant Mundhe, Advocate for the Petitioners
Mr. S. P. Sonpawale, AGP for the Respondents – State

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**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 02.07.2025

PER COURT :-

1. Heard the learned counsel for the Petitioners.
2. The principal grievance in the present Petition is the failure on the part of Respondent No.3 Chief Executive Officer, Zilla Parishad, Aurangabad, in considering the representations of the Petitioners for substitution of the name of Petitioner No.1 in place of Petitioner No.2 under the compassionate appointment scheme.
3. The husband of Petitioner No.2 expired during service with the Zilla Parishad and in that backdrop, Petitioner No.1 had

applied for appointment under the compassionate appointment scheme of the Zilla Parishad. Her name was in the waiting list. Subsequently, representations were moved for substituting the name of Petitioner No.1 i.e. son of the deceased employee in place of Petitioner No.2 i.e. his widow. The representations were not decided and hence the Petitioners were constrained to file the present Writ Petition seeking a direction for disposal of representation in terms of the law laid down by the Full Bench of this Court in the case of ***Kalpna wd/o Vilas Taram and another Vs. State of Maharashtra and others, (2024) 4 Mh.L.J. 312.***

4. When the Petition was called out for hearing, the learned Counsel appearing for Respondent Nos. 3 and 4 tendered a copy of communication dated 24.04.2025, issued by Respondent No.3, rejecting the representation of the Petitioners on the ground that substitution of name cannot be permitted.

5. It is the case of the Petitioners that the aforesaid stand is in the teeth of the law laid down in the aforesaid Full Bench judgment of this Court.

6. In the light of the aforesaid document tendered during the course of hearing, the learned counsel for the Petitioners seeks permission to amend the Petition to include a prayer for quashing the communication dated 24.04.2025 and for issuing a direction to the Respondents to substitute the name of Petitioner No.1 in place of Petitioner No.2. In the interest of justice, a copy of the said communication dated 24.04.2025 is taken on record and marked as "X" for identification.

7. Leave is granted to the Petitioners to forthwith amend the Petition to add prayer clause (C-1) in order to seek quashing of the said communication.

8. We have perused the judgment of the Full Bench of this Court in the case of *Kalpana* cited (supra) wherein two questions were framed in paragraph No.3, firstly as to whether substitution of the names would be permitted in such circumstances and secondly whether substitution could be permitted even when original applicant crosses the age limit of 45 years. The Full Bench of this Court in paragraph No.51 of the said judgment answered both the questions in the affirmative by holding that substitution can be permitted considering the ambit of the compassionate appointment scheme and

that substitution can also be permitted when the original applicant has crossed the age limit of 45 years.

9. The Full Bench judgment of this Court is a complete answer to the questions raised in the present Petition and therefore, we are of the opinion that the Petition deserves to be allowed.

10. In view of the above, **the Writ Petition is allowed.** The communication dated 24.04.2025 is quashed and set aside. Consequently, Respondent Nos. 3 and 4 are directed to substitute the name of Petitioner No.1 in place of Petitioner No.2 in the application filed for the benefit of compassionate appointment scheme of the said Respondents.

11. The Writ Petition is disposed of in above terms. Pending Civil Applications, if any, also stand disposed of.

12. Needless to say, the aforesaid directions issued by this Court, shall be carried out within four weeks from today.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

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