



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

918 WRIT PETITION NO. 6002 OF 2025

1. Alok Avinash Samudre
Age: 21 years, Occu: Student
R/o. Near Centre Naka, Agnishamak Quarters,
Parbhani, Tq. & Dist. Parbhani 431 401
2. Juli Avinash Samudre
Age: 45 years,
R/o. Near Centre Naka, Agnishamak Quarters,
Parbhani, Tq. & Dist. Parbhani 431 401 ... **PETITIONERS**

VERSUS

1. The State of Maharashtra
Through: Collector of Parbhani,
Tq. & Dist. Parbhani
2. The Municipal Corporation, Parbhani City,
Through its Commissioner, Nehru Road,
Gandhi Park, Tq. & Dist. Parbhani ... **RESPONDENTS**

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Mr.Vishal P. Bakal, Advocate for the Petitioners

Mr. S. K. Tambe, Additional Government Pleader for the
Respondent – State

Mr. S. S. Bora, Advocate for Respondent No.2

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

DATE : 08.07.2025

ORAL JUDGMENT (Per: Manish Pitale, J.)

1. At the outset, the learned counsel for the Petitioner seeks leave to amend the Writ Petition, so as to add the mother of the Petitioner as co-petitioner.

2. It is submitted that the Petitioner is pressing for relief in terms of prayer clause (B), whereby he seeks a direction against Respondent No.2 for substituting his name in place of his mother in the waiting list of candidates for appointment on compassionate ground. The original employee was the father of the Petitioner.

3. Rule. Rule made returnable forthwith and heard finally.

4. The learned Additional Government Pleader waives notice on behalf of Respondent No.1.

5. Considering the aforesaid submissions on behalf of the Petitioner, we deem it appropriate to allow the Petitioner to amend the Petition in order to add the mother of the Petitioner i.e. Juli Avinash Samudre, as Petitioner No.2. Amendment be carried out forthwith.

6. It is the settled legal position of law that substituting in the waiting list as sought by the Petitioner No.1 in place of his mother i.e. Petitioner No.2, can be granted.

7. The Full Bench judgment of this Court in the case of *Kalpana and Ors. Vs. The State of Maharashtra and Ors., 2024 (4) Mh.L.J. 312*, clarifies that such substitution can be permitted even if the original applicant is eligible and has crossed the age limit of 45 years.

8. It is undisputed that Petitioner No.2 has been found eligible under the scheme of appointment on compassionate ground. Since she had been representing to Respondent No.2 Municipal Corporation for allowing substitution of Petitioner No.1 in her place, we are inclined to allow the present Writ Petition.

9. In view of above, the Writ Petition is partly allowed in terms of prayer clause “B”, which reads as follows:-

“(B) Rule may kindly be issued and made absolute by issuing writ of mandamus or any other writ in like nature, direct respondent no.2 to substitute the name of petitioner and induct him in waiting list of candidates seeking appointment on compassionate grounds in par with his mother i.e. at Sr. 6 and for that purpose issue necessary orders.”

10. Rule is made absolute in above terms. Pending Civil Applications, if any, also stand disposed of.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

SMS