



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

982 WRIT PETITION NO. 6383 OF 2023

Mayur Balasaheb Kanwade

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. S. V. Suryawanshi, Advocate for the Petitioner

Mr. P. K. Lakhotiya, AGP for Respondents/state

Mr. Prashant D. Suryawanshi, Advocate for Respondent Nos.3 to 5.

...

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

DATED : NOVEMBER 27, 2025

P.C.:

1. Heard the learned Advocate for the petitioner and learned AGP Respondent.
2. The petitioner had challenged communication dated 04.01.2023 by the Chief Executive Officer, Zilla Parishad, Jalna thereby rejecting an application filed by the petitioner seeking compassionate appointment in place of his deceased father.
3. The reason assigned is that the petitioner happens to be a third child, i.e. born after the cut off date of 31.12.2001, of deceased Balasaheb Kanwade. The appointment is therefore rejected in view of the policy of not extending any benefits to the third child who is born after the cut off date.

4. The learned Advocate for the petitioner vehemently argued that such reason could not have been assigned by the Chief Executive Officer. It is not fault of the petitioner that the petitioner is being punished for no fault on his part, therefore he submit that the petition deserves to be quashed and set aside.

5. The learned Advocate for the Respondent and learned AGP have placed reliance upon the judgments in the matters of *Ranjita Gautam Sadashiv Vs. State of Maharashtra and another* reported in *2024 (2) Mhlj 605*, and *Sunita w/o Dinesh Gaikwad and Others Vs. State of Maharashtra and Others* reported in *2023(5) Mhlj 40*. In both these judgments it is held that putting restriction on giving appointment on compassionate ground to a third child born after cut off date, is not *ultra vires*. It is held that such person need not be entitled to get benefit on compassionate appointment.

6. Considering the above, this Court find that there is no merit in the Writ Petition and the same deserves to be dismissed.

7. Writ Petition stands dismissed.

[ABASAHEB D. SHINDE, J.]

[KISHORE C. SANT, J.]