



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6263 OF 2023

Akash s/o Ramesh Jadhav,
Age : 26 years, Occupation : Education,
At Post – House No. C-1-27, N – 7,
Near Mukul Mandir School, Policy Colony,
CIDCO, Aurangabad, Tal. - Aurangabad,
District – Aurangabad.

..PETITIONER

VERSUS

1. State of Maharashtra
Through the Secretary,
Rural Development Department,
Mantralaya, Mumbai – 400 032
2. The Chief Executive Officer,
Zillha Parishad, Aurangabad.
3. The Dy. Chief Executive Officer,
Zillha Parishad, Aurangabad

..RESPONDENTS

AND

WRIT PETITION NO. 6245 OF 2023

Ganesh s/o. Janardan Nikam,
Age : 26 years, Occupation : Agriculturist,
At Post – at Post Kinhalata, Tal. - Gangapur,
District – Aurangabad.

..PETITIONER

VERSUS

1. State of Maharashtra
Through the Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32
2. The Chief Executive Officer,
Zillha Parishad, Aurangabad.
3. The Executive Engineer,
Water Supply,
Zillha Parishad, Aurangabad.

..RESPONDENTS

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Advocate for the petitioner in both WP : Shri. Bipinchandra K. Patil
AGP for respondent no. 1 in both WP : Ms. V. N. Jadhav - Patil
Advocate for respondents No. 2 & 3 in both WP : Shri. P. R. Nangare
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**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 09 JANUARY 2025

ORDER (MANGESH S. PATIL, J.) :

We have heard both the sides finally in both these matters, with the consent of the parties, since both the petitions give rise to the common question which has already been repeatedly answered by this Court in catena of judgments.

2. The petitioners' fathers were in the employment of the respondent – Zilla Parishad and after their demise, they applied for appointment on compassionate ground.

3. By the impugned communications, their requests have been turned down for a common reason that though these individuals were working with different departments of the Zilla Parishad, their salaries were being paid from the self-generated income of the Zilla Parishad and the scheme for appointments on compassionate ground was applicable only to the government servants.

4. The parties are *ad idem* that the issue has been addressed to this Court umpteen times and has culminated into order in the matter

of *Amol Sahebrao Suryawanshi Vs. The State of Maharashtra and others* and connected writ petition decided on 20-08-2022 by a division bench, to which one of us (Mangesh S. Patil, J.) was a party.

5. This being the only reason for rejection of the petitioner's application seeking compassionate appointments, the impugned orders / communications are not sustainable in law and are liable to be quashed and set aside.

6. Both the writ petitions are allowed partly.

7. Impugned communications dated 18-04-2023 (WP/6263/2023) and 30-09-2022 (WP/6245/2023) are quashed and set aside.

8. The applications of the petitioners are remitted back to respondents no. 2 and 3 in the respective petitions, who shall take afresh decisions on these applications on its own merits and in accordance with law, however, they shall not reject those on the grounds mentioned in the impugned communications.

9. The decisions shall be taken as expeditiously as possible and in any case within five (5) weeks.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

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