



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7624 OF 2022

ARCHANA ULHAS TAYADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Ms. Priyanka Lalit Kale h/f.
Mr. Sapkal Sandip R.
AGP for Respondents: Mr. S.D. Ghayal
Advocate for Respondents No.2 and 3 : Mr. S.R. Patil

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CORAM : R.G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATE : 02.12.2025

PER COURT:

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties the matter is heard finally at the stage of admission.
2. By this writ petition under Article 226 of the Constitution of India the petitioners are taking exception to the order dated 07.06.2022 passed by the respondent No.2 – Additional Commissioner, Jalgaon Municipal Corporation, by which the respondent No.2 has rejected the application filed by the petitioner No.1 seeking substitution of the name of the petitioner No.2 for being appointed on compassionate ground relying on the

Government Resolution dated 21.09.2017. It is an admitted fact that the husband of petitioner No.1 while in service of respondent No.2 died on 30.03.2014 and immediately on 29.05.2014 the petitioner No.1 made an application seeking appointment on compassionate ground. Relying on the Government Resolution dated 21.09.2017, respondent No.2 had turned down the said application by an order dated 23.07.2020 on the ground that the petitioner had crossed the age of 45 years.

3. After petitioner No.2 attained the majority the petitioners again made an application to the respondent – Corporation on 04.03.2021, thereby, requesting to replace the name of the petitioner No.2 in place of petitioner No.1 for being appointed on compassionate ground. It is the said application that has been turned down by the respondent – Corporation and, therefore, the petitioners are before this Court.

4. We have perused the impugned order. The ground on which the request of the petitioners has been turned down is solely on the basis of the Government Resolution dated 21.09.2017. The learned counsel for the petitioner contends that the issue involved in this writ petition is no longer *res integra* in the light of various orders passed by this Court and has invited our attention to some of

the orders i.e. :

- i. **Ekta Shivaji Bari Vs. the State of Maharashtra and Ors.;**
(WP No.11479/2025 decided on 24.11.2025),
- ii. **Durgadas Sunil Saindane Vs. The State of Maharashtra & Anr.;**
(WP No.1706/2021 decided on 28.03.2024)
- iii. **Tejasvini Nilkanth Patil Vs. The State of Maharashtra and Ors.;**
(WP No.8066/2025 decided on 16.09.2025).
- iv. **Vishal Kamlakar Dahiwal Vs. The State of Maharashtra & Ors.;**
(WP No.1460/2021 decided on 18.11.2025).

5. This Court while allowing the writ petitions has relied on the judgment of full bench of this Court in the case of **Kalpana wd/o Vilas Taram Vs. State of Maharashtra** (Writ Petition No.3701/2022 and other batch of writ petitions decided on 28.05.2024, has held that there is no restriction on substitution once the earlier dependent of deceased employee attains the age of 45 years. Thus in our considered view, the reason assigned by the respondent – Corporation in refusing to consider the application for substitution of name of petitioner No.2 in place of petitioner No.1 relying on the Government Resolution dated 21.09.2017 is erroneous.

6. It is pertinent to note that now by virtue of the judgment of this Court in the case of **Kalpana wd/o Vilas Taram Vs. State of Maharashtra** (supra), the State Government itself has come with a policy vide Government Resolution dated 17.07.2025, thereby,

permitting the substitution of the heir of deceased employee if the earlier dependent attains the age of 45 years. Considering the same, the writ petition deserves to be allowed. Hence, we pass the following order :

ORDER

- a. The writ petition is allowed in terms of prayer clause 'B' and 'C'.
- b. Rule is thus made absolute in above terms.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)

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