



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 7516 OF 2023

GANGUBAI ASHOK SHINDE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for the Petitioner : Mr. Aghav Avinash D

AGP for Respondent/State : Mr. A.R.Kale

Advocate for Respondent No.2 : Mr. Vibhute Vinod M.

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

DATE : 09.09.2025

PER COURT :

. Heard learned counsel for the petitioners, learned A.G.P for the State and learned counsel Mr. Vibhute for Respondent No.2/Zilla Parishad.

2. The controversy that arises in the present petition, is no more *Res Integra*, as it is covered by a full bench judgment of this Court in the case of ***Kalpana Taram Wd/o. Vilas Taram and Another Vs. The State of Maharashtra and Others*** and connected petitions (Judgment and order dated 28.05.2024 passed in Writ Petition No. 3701 of 2024).

3. By the said full bench judgment, it was held that an application for substitution of name of a member of the family, for compassionate

appointment, can be granted and it can be granted even in a situation where the original person, whose name has been included, has crossed the age limit of 45 years.

4. In the present petition, admitted position of facts, is that the original employee of Respondent No.2 / Zilla Parishad i.e husband of the Petitioner No.1, died on 10.03.2015. Petitioner No.1 applied for inclusion of her name for appointment on compassionate ground on 10.04.2015. The application was granted in the year 2021 and her name was included in the waiting list. On 06.12.2021, the Petitioner No.1 applied for substitution of name of her son i.e Petitioner No.2, in her place, in the said waiting list. The application remained pending for some time, due to which the petitioners were constrained to approach this Court. On a direction issued by this Court, Respondent No.2 finally decided the application by the impugned order dated 15.05.2023. By the said impugned order, Respondent No.2 / Zilla Parishad rejected the application for substitution, on the ground that no such provision was available in the relevant Government Resolutions and the scheme for compassionate appointment.

5. As noted herein-above, similar controversy had earlier arisen which led to the aforementioned full-bench judgment in the case of ***Kalpana Taram Wd/o. Vilas Taram and Another*** (supra). The full bench judgment, completely covers the issue in favour of the petitioners and, therefore, we are inclined to allow the petition.

6. Accordingly, Writ Petition is allowed in terms of prayer clause 'B' and 'C'.

7. Consequently, the name of Petitioner No.2 / Krishna Ashok Shinde, be substituted in place of Petitioner No.1 / Gangubai Ashok Shinde, in the waiting list for compassionate appointment.

8. Necessary steps be taken within a period of four (04) weeks from today.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

vsj..