



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

28 WRIT PETITION NO. 10526 OF 2019

**BEBABAI SANJAY PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

.....

Advocate for the Petitioner : Sharayu Dhanture h/f. Gore Ravindra Vitthal
AGP for Respondents/State : Mr. P.K. Lakhotiya
Advocate for Resp. Nos.2 to 4 : Mr. M.S. Sonawane

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**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 11th August, 2025**

PC. :-

1. Heard learned counsel for the Petitioners, learned AGP for the Respondent/State and learned counsel appearing for Respondent Nos.2 to 4 concerning Zilla Parishad, Jalgaon.

2. The Petitioners are praying for quashing and setting aside the communication dated 14.12.2018, whereby it was held that in terms of the relevant Government Resolution and the policy of the State, the name of the Petitioner No.1 in the waiting list for appointment on compassionate ground could not be permitted to be substituted by the name of her son i.e. the Petitioner No.2. One of the grounds for refusal of such substitution was that the Petitioner No.1 had already attained the age of 45 years.

3. It is relevant to note that a Full Bench of this Court in the case of Kalpana Vilkas Taram V/s. State of Maharashtra; AIR OnLine 2024 Bom. 682, answered two specific questions.

4. The Government Resolution dated 21.09.2017 was subject matter of discussion therein, which also specifically concerned the question as to whether substitution of name in the waiting list could be permitted after the person whose name was included in the waiting list had crossed the maximum age limit of 45 years.

5. The Full Bench of this Court considered the Government Resolutions issued by the Respondent/State from time to time in this context and after considering various aspects of the matter, answered the questions in favour of the Petitioner. It was recorded that substitution of name in waiting list ought to be permitted and such substitution could be permitted even in situations where the original member of the family, whose name was included in the the waiting list, had crossed the age limit of 45 years.

6. This being the position of law, it was sought to be argued on behalf of the Respondents that since the Full Bench judgment has come

recently on 28.05.2024 and the impugned order was passed on 14.12.2018, the same ought not to inure to the benefit of the Petitioners.

7. We are of the opinion that the Full Bench in the aforementioned judgment has clarified the position of law as it always existed or ought to have existed. The scheme of compassionate appointment inherently is a beneficial scheme and therefore, we are of the opinion that benefit of the said Full Bench judgment passed by this Court ought to be given to the Petitioners herein.

8. In view of the above, notwithstanding the objections raised on behalf of the Respondents, we are inclined to allow the present petition.

9. Accordingly, the Writ Petition is allowed in terms of prayer clauses-B and C.

10. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]