



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

934 WRIT PETITION NO. 11206 OF 2022

**THE STATE OF MAHARASHTRA
VERSUS
USHA ANIL GAIKWAD AND OTHERS**

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AGP for the Petitioner/State : Mr. A.S.Shinde
Advocate for Respondent No.1 and 2 : Mr. J.M.Murkute

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 23rd JANUARY 2025

PER COURT :

1. Heard both sides finally at the admission stage.
2. The state is challenging judgment and order dated 13.10.2021 passed by learned member of Maharashtra Administrative Tribunal (in short 'MAT') allowing original applications filed by the respondents claiming appointment on compassionate ground.
3. It was a case of respondents before the Tribunal that husband of the respondent no. 1 was in service with the police department and he died during his services. The respondent no. 1 submitted application for appointment on compassionate ground and later on substitution was solicited by introducing the claim of respondent no2, who is son of the deceased. As the claim was not found favour with the department, respondents preferred Original Application No. 519 of 2021.

4. Learned member of the Tribunal allowed the application by quashing order dated 02.08.2017. Petitioner was directed to allow the substitution of name of the respondent no.2 at the place of respondent no.1. The said decision is sought to be challenged in the present petition.

5. This Court had an occasion to deal with identical issue and by way of judgment rendered in **Kalpana Vilas Taram and others vs. The State of Maharashtra and others** in Writ Petition No. 3701 of 2022 reported in **2024 (4) Mh.L.J (FB) -312**. The larger bench has settled that substitution for the claim of appointment on compassionate ground is permissible. We find that present case is squarely covered by it. We do not find that there is perversity or illegality in the impugned judgment and order passed by the tribunal.

6. We find no substance in the Writ Petition. Hence, writ petition stands dismissed.

7. The petitioner shall take immediate steps to consider the claim of the Respondent No.2.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]