



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 REVIEW APPLICATION (CIVIL) NO. 277 OF 2025
IN WP/2544/2020

SHAIKH MUJIB SHAIKH GAFAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...

Mr. Sujit A. Patil, Advocate for Applicant;

Mr. R. P. Gour, AGP for Respondent-State.

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CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.

DATE : 24th NOVEMBER, 2025

PC.:-

1. Heard learned Advocate for the Applicant and learned AGP for the Respondents.

2. The writ petition filed by the Applicant came to be dismissed with a reasoned order after considering the submissions advanced on behalf of the Applicant. According to the learned Advocate for the Applicant, the claim for substitution of the Applicant's name for grant of compassionate appointment would have retrospective effect in view of the Full Bench Judgment of this Court. He has also relied upon the judgment in *Dnyaneshwar Ramkishan Musane vs. State of Maharashtra & Ors.* in Writ Petition No.6267 of 2018. It is his contention that the order under review suffers from an error, inasmuch as this Court

observed that the application for substitution was moved 7 years after the mother of the Applicant had withdrawn her claim. He has brought to our notice the application dated 20.05.2011 filed by the Applicant's mother wherein she had stated that the Applicant had attained majority and therefore his name be substituted by including it in the wait list.

3. He further submits that this Court observed that the Petitioner had approached the Maharashtra Administrative Tribunal (MAT) 3½ years after the rejection of his application by the department, which, according to him, would not be significant since the MAT had already condoned the delay, under Section 21 of the Administrative Tribunals Act. Therefore, according to the learned Advocate, the reasons given by this Court for dismissal of the writ petition were *prima-facie* inconsistent with the factual matrix.

4. We have considered the submissions advanced by the learned Advocate. Even no sooner Applicant attained majority, his mother approached the department and delay of 3½ years in approaching the MAT was condoned, there was another vital aspect of the matter. The father of the Applicant passed away in the year 2000. Within a month of his demise, his widow—the Applicant's mother, preferred an application for compassionate appointment. Her application remained

in the wait list until May 2011, she addressed a communication to the department stating that due to her age and age-related ailments she was unable to accept the appointment, and as the Applicant had attained majority, his name be included in the wait list in her place, the scheme for substitution of name was not there. Mother ought to have continued in wait list.

5. This Court observed that when the Applicant's mother moved the application for substitution, i.e., for inclusion of the Applicant's name in the wait list in her place, such substitution was not permissible under the then prevailing scheme, and therefore the department rightly rejected the said request. We do not find any authoritative pronouncement to indicate that the scheme permitting substitution has been made applicable retrospectively. Therefore, we find no case made out for review of the order dated 06.10.2025.

6. Review application is dismissed.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)