



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 WRIT PETITION NO. 5778 OF 2025

YOGESH SHRIMANT GURAV
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Shaikh Shakil U.
AGP for Respondents/State : Mr. S.V. Hange
Advocate for R/3 & 4 : Mr. S.B. Ghute

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CORAM : MANGESH S. PATIL &
Y.G. KHOBRADE, JJ.

DATE : 30.04.2025

P.C. :-

1. Issue notice. The learned A.G.P. waives service for respondent nos.1 & 2. Mr. Ghute waives service for respondent nos.3 & 4.
2. We have heard both the sides.
3. The parties are unanimous that the fact situation in the matter in hand is squarely covered by the order passed in writ petition no. 7685/2022 dated 10.01.2025 in the matter of Amol Navnath Lokhande which reads as under:

“1. *Heard both sides finally.*

2. The petitioner is challenging the order dated 16.03.2022 passed by respondent No.2 / the Chief Executive Officer, Zilla Parishad, Osmanabad, rejecting the claim of the petitioner seeking appointment on compassionate ground. Initially, his mother's name was included in the wait list which was sought to be substituted by the petitioner's name, which is rejected by the impugned order.

3. The petitioner's father was rendering services as a Cleaner with respondent No.2, who died on 10.07.2003. Thereafter, his mother submitted application for appointment on compassionate ground on 16.12.2003. By the order passed by this Court, in Writ Petition No.2654 of 2013, on 05.09.2013, her name was directed to be included in the wait list.

4. As his mother crossed her age of 45 years, the application was submitted to substitute her name, which is rejected by the impugned order.

5. The learned counsel for the petitioner is relying on the judgment of Division Bench of this Court, in the matter of Dnyaneshwar s/o. Ramkishan Musane vs. The State of Maharashtra, (Writ Petition No.6267 of 2018), dated 11.03.2020. He tenders on record the judgment of Larger Bench, in the matter of Kalpana Vilas Taram vs. State of Maharashtra, AIR Online 2024 Bom 682, which covers the field. There is no dispute that the judgment of Dnyaneshwar (supra) has been confirmed by the Larger Bench. The issue is squarely covered by these two judgments. The substitution of the name of the petitioner is permissible, if the earlier applicant has crossed the age of 45 and the substitution is sought for.

6. In view of the above position, we dispose of the writ petition and pass the following order:-

ORDER

(i) The impugned order dated 16.03.2022 passed by respondent No.2/ the Chief Executive Officer, Zilla Parishad, Osmanabad, is quashed and set aside.

(ii) Respondent No.2 shall include the name of the petitioner in the wait list and consider his claim according to the merits and seniority.

(iii) Writ petition is disposed of with above directions.”

4. For the same reasons and with the same directions the writ petition is disposed of with the following directions:

(i) The impugned order dated 24.04.2025 passed by respondent No.3/ the Chief Executive Officer, Zilla Parishad, Osmanabad, is quashed and set aside.

(ii) Respondent No.3 shall include the name of the petitioner in the wait list and consider his claim according to the merits and seniority.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]