

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4292 OF 2025

Om Prakash Gawali

...Petitioner

Versus

The Chief Officer,
Manmad Municipal Council & Ors.

...Respondents

Mr. Gaurav Bandiwadkar, Advocate for the Petitioner.

Ms. Rupali Shinde, AGP for Respondent No.3/State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 2nd APRIL, 2025

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P.C. :-

1. This is a fit case wherein the order passed by the District Collector, Nashik can be set aside, without issuing notice to the Municipal Council, Manmad, Tal. Nadgaon, Dist. Nashik.

2. Suffice it to say, the father of the Petitioner passed away on 12th May, 2017. The widow Smt. Kanta Prakash Gawali moved an Application to the Municipal Council, Manmad, Tal. Nadgaon, Dist. Nashik for compassionate appointment. However,

after the demise of her husband, she was found to be 45 years of age as on the date of her Application for seeking compassionate appointment, which is 21st September, 2017. The District Collector, Nashik has mechanically passed an order deleting her name from the wait list.

3. In such circumstances, the District Collector, Nashik was supposed to have acted with pragmatism and should have directed an Officer of his department to apprise the bereaved family of its right to compassionate appointment by nominating any eligible member of the family. Instead of mechanically deleting the name of the widow, an eligible family member dependent of the deceased, like the Petitioner before us, should have been called upon to make an Application for compassionate appointment.

4. In view of the above, the decision of the District Collector, Nashik, dated 19th April, 2023, shall stand quashed and set aside. Needless to state, the consequential communication by the Manmad Municipal Council dated 5th April, 2023, is rendered infructuous.

5. The Application dated 1st April, 2022, addressed by the widow to the Chief Officer, Manmad Municipal Council, Manmad, shall be forwarded by the said Authority to the District Collector, Nashik for placing the Petitioner in the same eligible list at the same serial number at which the widow was earlier enrolled for consideration for compassionate appointment.

6. The Petitioner shall serve a copy of this order on the Municipal Council, Manmad by Speed Post A.D. and the Chief Officer, Municipal Council, Manmad, shall act on the directions of this Court, within a period of 10 days from the receipt of the said order.

7. With the above directions, this **Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)