

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8855 OF 2025

Shri Rohit Vyankatrao Sonawane
Aged 37 Yrs, Occ. Unemployed
R/o. Shri Vyankatesh, Subhash Road No.1,
Near Babloo Tea Stall Satana,
Tal. Satana, Dist. Nashik – 423 301 ... Petitioner

Versus

1. The Chief Officer,
Satana Municipal Council,
Satana, Dist. Nashik
2. The District Collector, Nashik ... Respondents

...

Mr.Gaurav Bandiwadekar with Mr.Sarthak Diwan and Mr.Aditya Ghadge
for the Petitioner.

Ms. P.M.J.Deshpande, AGP for the Respondent -State.

...

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

DATE : 18th September, 2025

ORAL JUDGMENT (*Per Ravindra V. Ghuge, J.*)

1. Rule. Rule made returnable forthwith and heard finally with the
consent of the parties.

2. The Petitioner's father was employed as a Food Inspector with
Respondent No.1, Municipal Council. He passed away while in service on

11th May, 2001. Thereafter, on 29th September 2001, the widow of the deceased made an Application seeking compassionate appointment. At that time, she was about 40 years of age. Subsequently, she crossed the age of 45 years and, therefore, only for this reason, her name was deleted from the waiting list of eligible candidates for compassionate appointments, on 2nd May, 2007.

3. The Petitioner was born on 26th July, 1988. On 26th July 2006, he turned 18 years. He passed his 12th standard and acquired a Diploma in Civil Engineering (DCE). He was just 12 years and 10 months, when his father passed away. He, therefore, moved an Application for compassionate appointment on 8th October, 2011. He is now around 37 years of age and claims to be unemployed and without any regular source of income. By the impugned order, his claim has been turned down.

4. This Court has held in *Dnyaneshwar s/o Ramkishan Musane Versus The State of Maharashtra & Ors.*¹ that substitution of a name is permissible and the clause in the Government of Resolution dated 20th May 2015, declaring substitution impermissible, was declared to be arbitrary and quashed. As such, substitution is permissible.

1 Writ Petition No. 6267 of 2018 dated 11th March, 2020

5. In *Latikabai Uttam Mahajan Versus State of Maharashtra Through Its Secretary and Others*¹, this Court, at the Aurangabad Bench, to which one of us (Ravindra V. Ghuge, J.) was a party, relied upon the ‘Scheme for Compassionate Appointment under Central Government’ dated 2nd August 2022, wherein it was provided that the name of an eligible enlisted candidate for compassionate appointment, cannot be deleted from the list only because the candidate has crossed the age of 45 years. The said Scheme was adopted by the State of Maharashtra. Several Departments in the State of Maharashtra, being oblivious to the fact that the name of an eligible candidate cannot be deleted from the list only on the ground of having crossed 45 years of age, have been routinely deleting the names of such candidates after they crossed that age.

6. In *Durgadas s/o Sunil Saindane versus The State of Maharashtra & Anr.*, Writ Petition No. 1706 of 2021, this Court [to which one of us (Ravindra V. Ghuge, J.) was a party], delivered a judgment on 28th March, 2024. In the peculiar facts of the case, the Court permitted the deletion of the widow’s name since she was nearly 55 years of age and no purpose would have been served by granting her compassionate

1 2023 SCC OnLine Bom 2798

appointment, as she would have superannuated in less than five years and would not have been entitled to pension. Hence, her son was directed to be enlisted by holding him eligible for compassionate appointment.

7. In the case in hands, the dates and sequence of events clearly indicate that the widow had made an Application in the fourth month after the demise of her husband. The Application was kept pending for six years, and her name was deleted on 2nd May, 2007. Thereafter, the Petitioner moved an Application for compassionate appointment and the same was also kept pending for 14 years.

8. The learned Advocate for the Municipal Council has placed on record a chart, indicating vacancies. One post each of Driver, Wireman/Pump Operator, and Garden Superintendent, all falling under the Class 3 category, are vacant. Additionally, one post of Peon and two posts of Fireman, which fall under the Class 4 category, are also vacant. However, these posts of Fireman and Peon, are reserved for the Backward Categories.

9. The learned Advocate for the Petitioner submits that the Petitioner would not be eligible for any of the aforementioned posts,

considering that he does not have the qualifications prescribed for the posts of Fireman, Driver, Garden Superintendent, and Wireman/Pump Operator. The Petitioner does not have a driving license. He, therefore, submits that he is willing to wait until a post under the Class 3 category, for which he is eligible, becomes available, and thereafter, he may be considered for appointment.

10. In view of the above, **this Writ Petition is partly allowed** with the following directions :

- (a) The impugned order dated 29th April, 2025 is hereby quashed and set aside. Similarly, the order dated 19th April, 2023 stands quashed and set aside;
- (b) The District Collector shall enter the name of the Petitioner in the eligible list of candidates for compassionate appointment, and the seniority in the waiting list shall date back to the application filed by him on 8th October, 2011;
- (c) The Municipal Council is directed that whenever a vacancy arises in the Class 3 category, for which the Petitioner qualifies, the same shall be offered to the Petitioner.

11. Rule is made partly absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)