

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

WRIT PETITION NO.16067 OF 2025

1. Rohit Suhas Abhang,
Age : 28 years, Occu : Service as
Junior Clerk, Nashik Municipal
Corporation, R/o. 68, Indira Awas
Gharkul, Ugaon Road, Niphad
Tq : Niphad Dist : Nashik 422 303

2. Samir Ahmed Shakil Ahmed Shaikh
Age : 36 years, Occu : Service,
R/o. Row House No.3, Kausar Park,
Khode Nagar, Wadal Road, Nashik,
Dist : Nashik 422 006

....Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai – 400 032

2. Nashik Municipal Corporation,
Through its Commissioner,
Nashik Municipal Corporation Office,
Nashik

3. The Municipal Commissioner,
Nashik Municipal Corporation,
Nashik

....Respondents

Mr. Sandeep B. Sontakke for the Petitioners.
Mrs. D.S. Deshmukh, AGP for Respondent No.1.
Mr. Rohit Sakhdeo for Respondent Nos.2 and 3.

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

DATE : 27th NOVEMBER, 2025

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.) :

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

2. The father of Petitioner No.1, Mr. Suhas Raybhan Abhang, died in harness on 14th September, 2019. The father of Petitioner No.2, Mr. Shakil Mohammad Shaikh, died in harness on 24th July, 2020. Both were working as permanent Drivers with the Corporation. Both the Petitioners claim to have acquired the degree qualification of Master of Engineering (Machine Design). Their Bachelor of Engineering degree is in Mechanical faculty. Both sought appointment on compassionate grounds on 9th January, 2020 and 18th February 2021, respectively. They were appointed to the post of Junior Clerk in the Administration Department on 24th June, 2021 and 25th February 2022, respectively.

3. Both the Petitioners seek appointment as Junior Engineers since they possess the requisite qualification. The Standing Committee of the Corporation passed a Resolution on 13th March, 2025 recommending both for appointment as Junior

Engineers.

4. The learned Advocate for the Corporation submits that the Petitioners do not have five years' working experience in the Engineering Department. The learned Advocate for the Petitioners submits that the requisite qualification is a Diploma in Engineering, and if a candidate with five years' experience is available, such a candidate would be given precedence. If not, the Petitioners can be considered favourably.

5. The learned Advocate for the Petitioners further submits that the recommendation for appointing the Petitioners as Junior Engineers was passed by the Standing Committee and the General Body. The Corporation forwarded the proposals to Respondent No.1 on 24th April 2025, and the proposals have been pending with the Government, ever since.

6. The learned Advocate for the Corporation submits, on the basis of paragraph nos.8 and 9 of the affidavit in reply dated 27th November 2025, that the Petitioners' proposals were forwarded to Respondent No.1. If the proposals are approved, the Corporation

would follow the due procedure laid down in law and initiate appropriate steps as per procedure.

7. We, therefore, find that if the Petitioners' proposals are accepted in the light of the State Government's policy, by which, a compassionate appointee can be considered for a higher post depending on the requisite qualifications he possesses, Respondent No.1 needs to take a decision earnestly so that, if the Petitioners are held eligible, they can be accommodated. If not, the Petitioners will have to compete with the general public, considering that the Advertisement dated 29th October, 2025 aims at selecting candidates from open competition.

8. As such, we direct Respondent No.1 to take a decision on the Petitioners' proposals, on or before 10th December, 2025 and to communicate the decision to the Municipal Corporation via email, within 24 hours of such decision. If the decision is in favour of the Petitioners, the Corporation would take further steps in accordance with law.

9. The learned Advocate for the Petitioners submits that, without prejudice to their rights and contentions in this Petition, both the Petitioners would apply for the post of Junior Engineer pursuant to the Advertisement. If they are eligible, they could secure the said position.

10. By recording the above statements, **this Petition is disposed off.**

11. **Rule is discharged.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)