

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.435 OF 2023

(Ku. Ankita Naresh Maske Vs. State of Maharashtra thr. Collector, Amravati and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. V. N. Patre, Advocate for Petitioner.
Ms. Kavita H. Bhondge, AGP for Respondent No.1/State.
Mr. D. M. Kale, Advocate for Respondent No.2.

CORAM: SMT. M. S. JAWALKAR AND RAJ D. WAKODE, JJ.
DATE: 18th SEPTEMBER, 2025.

1. Heard Mr. Patre, the learned Counsel appearing for the petitioner, Ms. Kavita Bhondge, the learned Assistant Government Pleader appearing for the respondent No.1 and Mr. Kale, the learned Counsel appearing for the respondent No.2.

2. The petitioner challenges the impugned order dated 07.08.2020 passed by the respondent No.2 – Chief Executive Officer, Zilla Parishad, Amravati thereby rejecting the application of the petitioner for appointment on compassionate ground. The undisputed facts are that the mother of the petitioner was working as Assistant Teacher in Zilla Parishad School run by the respondent No.2. On 12.08.2014 the mother of the petitioner died in harness due to the disease of cancer. After the death of her mother, the petitioner being unmarried daughter applied on 16.04.2015 for grant of appointment on compassionate

basis on the place of her mother.

3. The application of the petitioner was processed by the respondent No.2 and the respondent No.2 issued show cause notice to the petitioner placed at Annexure-6 at page 43. Vide the aforesaid show cause notice the respondent no.2 called upon the petitioner to explain the fact that her real brother namely Sumit Nareshrao Maske is employed and is working with the Bank of Baroda. The petitioner submitted her explanation on 16.07.2020 and explained the aforesaid fact by stating that the brother of the petitioner has deserted her and she is residing separately and that he is not supporting the present petitioner. He has already relinquished all his rights and also the claim for appointment on compassionate basis. The petitioner is residing at the mercy of her maternal uncle and hence the fact that her brother is employed will not hamper her claim on appointment on compassionate basis.

4. The respondent No.2 however on 07.08.2020 rejected the aforesaid claim of the petitioner for appointment on compassionate basis on the said ground of the employment of her brother. The petitioner contends before this Court that while passing the impugned order the respondent No.2 was under an obligation to conduct enquiry into the aforesaid fact. Admittedly, the aforesaid enquiry was not conducted while deciding the claim of petitioner. To substantiate her claim the petitioner relied upon by the Government Resolution dated 26.10.1994 at Annexure-10 record page 47 and the clause 7 (B) of the aforesaid GR specifically casted the duty upon the employer to conduct a

detailed enquiry as to the fact that the applicant who has claimed for appointment on compassionate basis should be a genuine one and that any other member of the family should not be employed. Admittedly, in the present case, no such enquiry appears to be conducted by the respondent No.2 before passing the impugned order dated 07.08.2020.

5. In view of the above, we proposed to remand the present matter to the respondent No.2 for conducting a detailed enquiry into the matter to verify the aforesaid fact as to the employment of the brother and as to whether the brother of the petitioner is not supporting her or is not providing support to her. In view of the above, the impugned order dated 07.08.2020 is hereby quashed and set aside. The application of the petitioner for appointment on compassionate basis should be considered by the respondent No.2 afresh by conducting a detailed enquiry into the matter and again providing the opportunity of hearing to the petitioner to respond to the aforesaid enquiry. In view of the above, the aforesaid writ petition is disposed of with the further direction to the respondent to complete the entire process within a period of three weeks. The writ petition is accordingly disposed of.

(RAJ D. WAKODE, J.)

(SMT. M. S. JAWALKAR, J.)