



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

WRIT PETITION NO. 4041 OF 2022

(Savita wd/o Kailash Shirbhate and ors Vs. State of Maharashtra 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. S.M. Vaishnav, Advocate for petitioners.
Mr. A.S. Fulzele, Addl.GP for respondent No.1/state.
Mr. U.J. Deshpande, Advocate for respondent No.2.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 14-01-2025

Mr. S.M. Vaishnav, the learned Counsel appears for petitioners on account of which learned Counsel Mr. Kalwaghe is discharged.

2. The only question is regarding the substitution of the name of the petitioner no. 2 in the waitlist for compassionate appointment in place of the petitioner No. 1, who is the widow of Mr. Kailash Shribhate, who passed on 25.11.2015, application for compassionate appointment having been made on 27.11.2015 and the widow having attained the age of 45 years on 25.4.2020, prior to which, the application for substituting the name of the daughter was filed on 22.1.2020. The rejection is based upon a plea that before the widow attained 45 years, the daughter did not complete her majority. That is merely a technicality which does not go to the root of the matter, and considering the purpose for grant of compassionate appointment, cannot be a criteria to debar the petitioner no. 2 from being included in the waitlist, specifically so when he has already now attained majority. The matter is also covered by the judgment of the learned Full Bench in

Kalpana wd/o Vdilas Taram and another Vs State of Maharashtra and Others, 2024(4) Mh.L.J. 312, in view of which, the petition is allowed by quashing impugned communication dated 27.4.2021 and directing respondent No. 2 to include the name of the petitioner No. 2 in the waiting list for grant of compassionate appointment.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede