



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

WRIT PETITION NO.4160/2024

Smt. Maya wd/o Ramdas Shende

...Versus...

Superintendent Engineer, Public Works Board, Civil Lines, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. O.K. Masurke, Advocate for petitioner
Mr. P.P. Pendke, AGP for respondents

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

DATE : 04/03/2025

1. The name of the petitioner has been removed from the waiting list for appointment on compassionate basis, on account of the fact that she has attained the age of 45 years.

2. The learned Counsel for the petitioner makes a statement that an application was made to the respondents, to substitute the name of her son Roshan Ramdas Shende, in her place in the year 2014 itself, for which reliance is placed upon an affidavit to this effect, dated 09/06/2015, sworn on 30/10/2014, which is taken on record. It is also submitted that the son of the petitioner has attained majority in 2022 itself, before the removal of the name of the petitioner from the wait-list, on account of which, the plea of substitution ought to have been considered.

3. The plea of substitution has already been considered by the Full Bench of this Court in *Kalpana Wd/o Vilas Taram and another Vs. The State of Maharashtra, through its Secretary, Ministry of Social Welfare, Mantralaya, Mumbai – 32 and others, 2024 (4) Mh.L.J. 312*, in view of which, we hereby direct the respondents to consider the claim of the petitioner for substitution of her name, with that of her son in the waiting list for compassionate appointment, in view of the law as laid down by the learned Full Bench in *Kalpana Taram* (supra).

4. The petitioner shall make a proper application, to the respondents within a period of two weeks from today, which shall be considered and decided by the respondents within a period four weeks thereafter.

5. The writ petition is allowed accordingly. No order as to costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)