



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

WRIT PETITION NO. 3391 OF 2024

State of Maharashtra through its Principal Secretary, Revenue and Forest
Department, Mantralaya Mumbai-32 and others

Vs

Ku. Omshanti d/o Sitaram Chambhare

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

Court's or Judge's Order

Mr. H.D. Marate, AGP for petitioners/State.
Mr. N.D. Thombre, counsel for respondent.

CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.
DATE : 10/11/2025

1. In the present writ petition preferred by the State, a prayer is made to set aside the order dated 29/07/2022 passed by the Maharashtra Administrative Tribunal, Nagpur in Original Application No. 161/2021.

2. By the said order, the Tribunal had allowed the prayer made by the present respondent/original applicant and directed the authorities to consider the claim of present respondent for appointment on compassionate grounds on its own merits, by disregarding the prohibition contained in Government Resolution dated 28/03 /2001, since the same had been held unconstitutional.

3. Learned AGP for the petitioner/State has brought to our notice the judgment delivered in Writ Petition No. 9284 of 2022 dated 27/07/2023 by this Court at Aurangabad by three Judges Bench, in which it was clarified as under :-

“For the reasons recorded herein above, in the light of the law crystallized by the Honourable Supreme Court, the declaration in *[Kashabai Sheshrao Wagh Vs The Zilla Parishad, Nashik and others in Writ Petition No. 7742 of 2014 decided on 03/07/2019 by this Court of Principal Seat at Bombay]* that Clause-E of the Government Resolution dated 28/03/2001 is unconstitutional, shall not be deemed to have been so declared for other matters and would be restricted to the facts of the said case”.

4. Learned AGP submits that clause-E of Government Resolution dated 28/03/2001 will have to be tested on the facts of each case, and not on the basis of impugned order, which was relied upon in the judgment of *Kashibai (supra)* stated above.

5. In that view of the matter and in view of judgment dated 27/07/2023 passed in Writ Petition No. 9284 of 2022 by this Court at Aurangabad Bench, we set aside the order dated 29/07/2022 passed in Original Application No. 161/2021 by the Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur and requests the Tribunal to decide the original application afresh in the light of judgment dated 27/07/2023 passed in Writ Petition No. 9284 of 2022 [Sunita w/o Dinesh Gaikwad and another Vs The State of Maharashtra and another].

6. The Writ Petition stands **disposed of** accordingly.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)