



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

WRIT PETITION NO.4521 OF 2024

GOPAL S/O MAHADEV KSHIRSAGAR
VS

THE STATE OF MAHARASHTRA, THR. ITS SECRETARY, WATER SUPPLY AND SANITARY
DEPT., MUMBAI AND OTHERS

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

Court's or Judge's order

Mr. Chetan Sharma, Advocate for the petitioner/s
Mr.N.R. Patil, AGP for the respondent No.1/State
Mr. A.Y. Kapgate, Advocate for the respondent Nos.2 to 6

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 26.11.2025

1. Heard.
2. An issue involved in the present petition is about placement of the petitioner in the seniority list maintained for grant of employment on the compassionate ground.
3. The grievance of the petitioner is that although his first application for compassionate appointment was submitted in the year 2011, it was misplaced due to negligence of the respondent-Maharashtra Jeevan Pradhikaran (MJP), and therefore the petitioner was thereafter, asked to resubmit the application.
4. The petitioner resubmitted the application in the year 2017 and thereupon, his name was included in the wait list of the candidates for appointment on compassionate ground.

5. To establish the fact that on 15.12.2011 the first application was moved, the letter of the respondent No.6-Sub-Divisional Engineer, MJP, Khamgaon dated 03.01.2012 is filed on record, which refers the application of the petitioner dated 15.12.2011. By this letter dated 03.01.2012 the petitioner's request dated 15.12.2011 was forwarded to the Executive Engineer, Maharashtra Jeevan Pradhikaran (MJP), Buldhana.

6. Therefore, the prayer is made to consider the first application of the petitioner i.e. dated 15.12.2011 for the purpose of inclusion of his name in the wait list of MJP for grant of employment and not subsequent application made on 23.06.2017.

7. The learned counsel for the respondent-MJP strongly opposed the petition and submits that the father of the petitioner died on 25.09.2011 and after 14 years no employment can be granted to the petitioner as per the judgment of this Court in Writ Petition No.3215 of 2021 (*Sau. Rajeshri w/o Dnyaneshwar Khope and anr. V/s. State of Maharashtra and others*) dated 11.04.2023.

8. He submits that the petitioner suppressed the fact that he and his brother both were in service on the date of the application, and had this been disclosed, the petitioner's name would not have been included in the wait list. He further disputes the petitioner's claim that his first

application was submitted on 15.12.2011.

9. Having heard and perused the record, we are of the opinion that the learned counsel for the MJP argues everything, except the point involved in the present petition.

10. The letter of Sub Divisional Engineer, MJP dated 03.01.2012 clearly shows that the first application was made by the petitioner on 15.12.201. Furthermore, there is communication on record issued by the MJP, more particularly, the letter dated 03.07.2018, showing that the earlier application was misplaced and fresh application was called from the petitioner.

11. In the above-referred facts and circumstances, the respondent-MJP ought to have considered the petitioner's claim as on 15.12.2011, rather than from the year 2017, and should have accordingly placed him in the wait list. However, the respondent-MJP erred in treating 23.06.2017 as the date of application instead of 15.12.2011.

12. Accordingly, we are of the opinion that a direction to that effect needs to be issued to the respondent-MJP to rectify the petitioner's placement in the wait list, and thereafter, the petitioner's claim may be considered in accordance with the applicable policy and prevailing law.

13. Needless to state, we have neither examined nor

decided the petitioner's eligibility or entitlement. Our consideration is confined only to the date of application for placing the petitioner in the wait list. Hence, we expressed no opinion on any other issue.

14. Accordingly, the petition is **disposed of** in the above referred terms.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)