



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

WRIT PETITION NO. 2001 OF 2022

Anagha Anil Gandhamwar
Age : 24 years, Occ. Nil
R/o Madhukar Liganna Machhewar,
At Post Lakhamapur Bori, Tal. Chamorshi,
District Gadchiroli

...Petitioner

// VERSUS //

1. The State of Maharashtra through its
Secretary Rural Development Department,
Mantralaya, Mumbai-32
2. The Zilla Parishad Chandrapur, through its
Chief Executive Officer

... Respondents

Shri P.S.Kshirsagar, Advocate for the petitioner.
Shri G.S.Umale, AGP for the respondent/State.
Shri S.P.Giratkar, Advocate h/f Shri P.M.Giratkar, Advocate for the
respondent no.2.

CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.

DATED : 7th JULY, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally
by consent of the parties.

2. By this petition, the petitioner is seeking direction against the
Chief Executive Officer, Chandrapur to replace the name of the petitioner

at the name of petitioner's mother at Sr.No. 18 published on 1st March, 2021 for granting the compassionate appointment.

3. It is undisputed fact that father of the petitioner was working as Junior Assistant in Zilla Parishad Chandrapur in District Rural Development Scheme and expired on 27th November, 2009.

4. The petitioner's step-mother applied for appointment of compassionate ground on 6th January, 2010. After making application, there was settlement between the step-mother and the petitioner and accordingly, the step-mother by relinquish her claim and permitted the petitioner to claim for compassionate appointment. Accordingly, a consent affidavit was also forwarded to the authorities. In view of this settlement, petitioner on 29th January, 2010, filed an application for a compassionate appointment.

5. The Zilla Parishad in view of Government Resolution dated 20th May, 2015 sought guidance from the Government whether such substitution is permitted or not. However, for a considerable period there was no response from respondents. In the circumstances, petitioner approached to this Court for seeking the directions.

6. The petitioner has relied upon the judgment of Full Bench of this Court in the case of *Kalpana Wd/o Vilas Taram and another Vs. The State of Maharashtra and others* and other consequential judgments of this Court, wherein all related issues were considered extensively by this Court. According to petitioner, the issue involved in the matter no more *res-integra* and where candidates fulfills eligibility criteria under the scheme, is entitle for substitution of name.

7. Petitioner draw our attention to the judgment of this Court in the Writ Petition No. 3093 of 2023, wherein this Court has observed in Paragraphs 3 and 4 as under :

3. The respondents initially included name of the petitioner No.2 in the waiting list substituting name of petitioner No.1. However, when she has approached to the respondent No.2 for verification of documents, she was informed that her name was removed from the waiting list in view of Government Resolution dated 20/05/2015. Her request for substitution came to be rejected without granting hearing.

4. Learned Counsel for petitioners relied on the Full Bench judgment in *Kalpana wd/o Vilas Taram and another Vs. State of Maharashtra and others, 2024(4) Mh.L.J. (F.B.)312*. In view of the judgment, name of daughter of petitioner No.1 can be substituted in place of name of petitioner No.1. As such, present petition is allowed in terms of the Full Bench judgment in *Kalpana Taram* (supra).

8. Hence, considering above said legal position, it is clear that substitution of name on the waiting list of eligible candidate is

permissible. In the present case, admittedly, after the death and mutual understanding with the step-mother, the petitioner has applied for compassionate appointment within a period of 23 days only. Furthermore, Zilla Parishad itself seeks instructions from the State Government in the matter, which itself shows petitioner was considered as qualified for the post, and accordingly, guidance was sought from State Government. By now the legal position is very much clear and substitution of name in waiting list is permissible.

9. In view of above, petition is allowed. The respondent-Chief Executive Officer, Zilla Parishad, Chandrapur is hereby directed to replace the name of the petitioner at Sr. No.18 in the waiting list in place of the petitioner's mother and accordingly, consider his claim for compassionate appointment as per the prevailing policy of the Government.

10. Writ petition is disposed of in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]