



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

WRIT PETITION NO. 7164/2017

Shri Asraf Basir Sayani and Anr.

Vs.

Municipal Council and Anr.

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

Court's or Judge's orders

Mr. A. C. Dharmadhikari, Advocate for Petitioners.
Mr. V. D. Darne, Advocate for Respondent No.1.
Ms Kavitha Bhondge, A.P.P. for Respondent No.3/State.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 07/01/2025.

1. The petitioners sought compassionate appointment which proposal was forwarded by the respondent - Municipal Council to the respondent - Collector vide communication dated 25.03.2017. Based on the said communication and the directions issued by the State Government, the Collector has approved grant of compassionate appointment to three out of six candidates, whose case was referred vide communication dated 25.03.2017. As far as the petitioners are concerned, their candidature is rejected as could be inferred from the impugned communication issued by the Collector as they having crossed the age limit of 45 years.

2. In case, if for procedural or administrative reasons, the candidate seeking compassionate appointment has crossed the age by a year, in such an eventuality, the substitution is permissible.

3. In such an eventuality, we can draw support from the Full Bench judgment of this Court in the matter of

Kalpana wd/o. Vilas Taram and Anr. Vs. The State of Maharashtra and Ors. [Writ Petition No.3701/2022].

4. In this view of the matter, we permit the petitioners to make fresh representation based on the aforesaid judgment within a period of two weeks from toady to the respondent – Municipal Council.

5. Once such representation is received by the Municipal Council, within two weeks thereafter based on the aforesaid authoritative pronouncement of the Full Bench judgment of this Court, appropriate proposal be submitted to the respondent – Collector for its approval. Once, the proposal is received by the respondent – Collector from the respondent - Municipal Council in the matter of consideration of claim for grant of compassionate appointment, we direct the Collector to take a decision within a period of six weeks from the date of receipt of such proposal from the Municipal Council.

6. With above observations, we dispose of the petition.

7. Needless to clarify that while dealing with the claim of the petitioners, the reason cited in the impugned order be ignored having regard to the observations made in the Full Bench judgment.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)