

WRIT PETITION NO. 185 OF 2024

2. Shantanu S/o Vilas More,
Aged about 26 years, Occu: Student,
R/o Takarkheda More, Tq.
Anjangaon Surji, Distt. Amravati,
Tq. & Distt. Amravati.

.... PETITIONERS

// VERSUS //

2. Chief Executive Officer,
Zilla Parishad, Amravati,
Tq. & Distt. Amravati.

3. Deputy Chief Executive Officer,
Zilla Parishad, Amravati,
Tq. & Distt. Amravati.

.... RESPONDENTS

Shri M.A.Sable, Advocate for respondent nos. 2 and 3.

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

DATE : 31/07/2025

ORAL JUDGMENT (PER: SMT. M.S. JAWALKAR, J.)

Heard.

2. By way of present writ petition, the petitioners are seeking relief to the effect that, the name of the petitioner no. 2 be substituted in place of petitioner no. 1 and to grant appointment to the petitioner no. 2 on compassionate ground.

3. It appears that, the husband of the petitioner no. 1 named Vilas Nilkanth More was working as a teacher at a school run by Achalpur Panchayat Samiti which was controlled and managed by the respondent nos. 2 and 3 (Chief Executive Officer and Dy. Chief Executive Officer, Zilla Parishad Amravati respectively).

4. The husband of petitioner no. 1 died due to a heart attack, therefore, the petitioner no. 1 had applied and made a request to respondent no. 2 - Chief Executive Officer, Zilla

Parishad Amravati for grant of compassionate appointment under the relevant Government policy. She had submitted all the requisite documents including heirship certificate as the name of the petitioner no. 1 was added in the waiting list. As she was about to attain the age of 45 years, on 06/06/2016, she wrote a letter to respondent no. 2 - Chief Executive Officer thereby requesting him that, the name of her son i.e. petitioner no. 2 be substituted in her place in waiting list.

5. It is further contended that, thereafter, she was visiting to the office of the respondents time to time, however, no response was made, then, she again on 15/05/2023 wrote a letter to the respondent no. 3 - Dy. Chief Executive Officer to inform about the status of her application. However, by communication dated 13/06/2023, the Dy. Chief Executive Officer had responded to this letter and informed to the petitioner no. 1 that, since she had attained the age of 45 years, her name was removed from the waiting list. It is the contention of the petitioner no. 1 that, she had already informed to the respondents by her communication

dated 06/06/2016, wherein she had specifically stated that, the name of her son Shantanu S/o. Vilas More (petitioner no. 2 herein) be substituted in her place in the waiting list for compassionate appointment. However, it was not considered and her name was removed from the waiting list for appointment on compassionate ground.

6. The learned counsel for the petitioner placed reliance on decision of the Full Bench of this Court in the case of ***Kalpna Wd/o. Vilas Taram and one V/s. State of Maharashtra and others in Writ Petition No. 3701/2022 with connected matters, dated 28/05/2024***, wherein this Court has held in answer to the reference as under:-

Sr. No.	Questions	Answer
(ii)	<i>Whether the policies of the State, which provide for creating a wait list of the candidates for compassionate appointment and in cases permits substitution, even on account of crossing a particular age limit of 45 years is contrary to the object and purpose for which a compassionate appointment has to be granted ?</i>	a) Maintaining a wait list of the candidates for compassionate appointment is not contrary to the object and purpose for which a compassionate appointment has to be granted.

		b) Seeking substitution of the name of another member in place of a member who has applied, on account of crossing the age limit of 45 years is not contrary to the object and purpose for which compassionate appointment must be granted.
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7. As such, there is no dispute that, the respondents ought to have considered the claim of the petitioner no. 2 to be substituted in place of his mother as her name was removed on attaining age of 45 years. It also appears from the record that, the application for substitution was moved on 06/06/2016, however, there was no response to this letter. Therefore, the petitioner no. 1 again on 15/05/2023 wrote a letter to the respondent no. 3 - Dy. Chief Executive Officer to inform about the status of her application, however, by communication dated 13/06/2023, the Dy. Chief Executive Officer informed that, the petitioner no. 1 has attained the age of 45 years, therefore, her name is removed from the waiting list for compassionate appointment.

8. The learned counsel for the petitioner also placed reliance on decision of the Division Bench of this Court at

Aurangabad Bench in the case of *Durgadas S/o. Sunil Saindane V/s. The State of Maharashtra thr. Secretary, GAD, Mantralaya, Mumbai in Writ Petition No. 1706 of 2021 dated 28/03/2024*, wherein it is held in para 6 as under:-

“We have concluded in the said judgment that the Central scheme *clearly indicates that even if an eligible candidate who is enlisted/wait listed for compassionate appointment, becomes age barred while awaiting such employment, meaning thereby that the candidate crosses the age of 45 years, the name of such candidate is not to be deleted or de-listed. Whenever, the turn of such candidate arises as per the wait list, the candidate has to be given compassionate appointment. However, we are not applying the said law to this case before us since the widow is almost about 55-56 years of age and it would be purposeless to grant her compassionate appointment for 4-5 years, because she would not be entitled for any service or retiral benefits.*

9. In view of the decision of the Full Bench, this matter is covered. It is not disputed by the respondents that, the name of the petitioner no. 1 was there in the waiting list for appointment on compassionate ground. Therefore, there is no impediment in substituting the name of the petitioner no. 2 in place of petitioner no. 1. As such, the Writ Petition is **partly allowed**.

10. The respondents are directed to substitute the name of petitioner no. 2 in place of petitioner no. 1, and when the turn of petitioner no. 2 comes, the respondents may appoint him if he fulfills the eligibility criteria and the other requirements for compassionate appointment.

11. Accordingly, the petition stands disposed of in above terms.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)