



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

WRIT PETITION NO.7147/2024

Smt. Ratnamala Nagorao Kangale and another

...Versus...

State of Maharashtra, through its Secretary, Department of General
Administration, Mantralaya, Mumbai – 32 and others

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

Court's or Judge's orders

Mr. A.M. Motlag, Advocate for petitioners
Mr. A.M. Joshi, AGP for respondent No.1
Mrs. Sonali Saware-Gadhawe, Advocate for respondent No.2

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : 22/01/2025

1. By this petition, the petitioners seek direction to include petitioner No.2's name in the list of candidates to be appointed on compassionate grounds in place of petitioner No.1, who has completed 45 years of age.

2. Learned Advocate for the petitioners submitted that the issue in the case at hand is squarely covered by the judgment in *Kalpana Wd/o Vilas Taram and another Vs. The State of Maharashtra, through its Secretary, Ministry of Social Welfare, Mantralaya, Mumbai – 32 with connected petitions*, reported in *2024 (4) Mh. L.J 312*.

3. The learned Assistant Government Pleader for respondent No.1 and learned Advocate for respondent No.2 do not dispute the said legal position and have not objected to granting the prayer by the petitioners in that regard.

4. It is submitted that petitioner No.1 attained the age of 45 on 26/02/2021. Therefore, she moved an application on 17.10.2024 to substitute her name by inserting her son's name, petitioner No.2, in the said list. However, the said application has not been decided yet, and it is pending.

5. On the other hand, learned counsel for respondent No.2 submitted that respondent No.2 would consider the said application, in light of the law laid down in the case of '*Kalpana Wd/o Vilas Taram*' (supra), within a period of two weeks.

6. Considering the above facts, we deem it appropriate to partly allow the petition. Hence, the writ petition is partly allowed. Respondent No.2 is directed to decide the representation of petitioner No.1, dated 17/10/2024, in terms of the law laid down in the case of '*Kalpana Wd/o Vilas Taram*' (supra) within two weeks from the date of receipt of a copy of this order.

7. No order as to costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)