



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

920 WRIT PETITION NO. 1003 OF 2025

Sagar Eknath Attarde

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Mr. Chavan R.N.

AGP for Respondent/State: Mr. M.A. Aher

Advocate for Respondent nos.2 and 3 : Mr. Wagh J.M.

...

CORAM : NITIN B. SURYAWANSHI AND

VAISHALI PATIL-JADHAV, JJ.

DATED : 2nd APRIL, 2026.

ORDER :

. By this petition, the petitioner seeks directions to the respondents to appoint him on compassionate ground as per his educational qualification with immediate effect in the light of Government Policy.

2. Petitioner's father initially working as daily wager worker with respondent no.2- Zilla Parishad was brought on C.R.T.E. on 02.08.2019. His father and other daily wager workers filed Complaint (U.L.P.) before the Industrial Court, Jalgaon, which was allowed and direction was given to the Zilla Parishad to grant wages and benefit of permanent employees from the date of completion of one year service from the date of their employments. The said decision was challenged by the Zilla Parishad before this Court. Learned Single Judge has partly allowed the Writ Petition by observing that the benefits of Kalelkar Settlement can be extended to the daily wager workers. Pursuant to the said decision on 02.08.2019, Zilla Parishad issued orders thereby appointing the father of the petitioner on C.R.T.E. Thereafter, vide

order dated 17.04.2023, the father of the petitioner along with 20 others was brought on Converted Regular Temporary Establishment.

. It is necessary to mention here that the said order stipulates that the posts on which the father of the petitioner and others were working shall continue till the date of superannuation or till it becomes vacant for any other reason. Thereafter, the said posts shall lapse and no other person can be appointed on the said posts.

3. The petitioner made representations to the Zilla Parishad that his father has expired, and therefore, he be appointed on compassionate ground in the place of his father. Since the petitioner was not given appointment, he has preferred the present Writ Petition.

4. Heard learned Advocate for the petitioner, learned A.G.P. for the State and learned Advocate for the Zilla Parishad at length. Perused the documents placed on record and the reply filed by respondent nos.2 and 3.

5. Petitioner has relied upon the various orders passed by this Court in Writ Petition No.2699/2003 and connected matters, Writ Petition No.9119/2021, Writ Petition No.461/2012 and Writ Petition No.5801/2004, which according to the petitioner are passed in similar fact situation, in support of his case.

6. Reply is filed by the Zilla Parishad stating that since the posts held by father of the petitioner were converted into C.R.T.E. those were supernumerary posts and those posts lapsed and/or they become vacant for any other reason. In the light of Government Resolution

dated 30.01.2023, particularly clause 1(क), the petitioner is not entitled to be appointed on compassionate ground on the post held by his father. Learned A.G.P. has adopted the arguments of respondent nos.2 and 3.

7. In view of the fact that while converting the posts held by the father of the petitioner on C.R.T.E., it is stipulated that the posts if become vacant due to superannuation and for any other reason would lapse and on that posts no other employee can be appointed, the said posts cannot be said to be a permanent posts, and therefore, the petitioner has no right to claim appointment on compassionate ground on the supernumerary posts.

8. In the decisions relied upon by the petitioner, the stipulation that the post is supernumerary and it will lapse, is not there and therefore, those decisions are not helpful to the petitioner.

9. In the light of above, we find no merit in the petition, and therefore, the petition is dismissed.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)