



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.10282 OF 2025

GOPAL JAYANT JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Shrimant Mundhe, Advocate for petitioner

Mr. S.B. Pulkundwar, AGP for respondent Nos.1 to 3

Mr. S.B. Ghute, Advocate for respondent Nos.4 to 6

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 14th JANUARY, 2026

ORDER :

. The petitioner has approached this Court seeking relief in the nature of directions to respondent Nos.4 to 7 – Zilla Parishad, Aurangabad to decide his representations dated 17.07.2009, 15.05.2013, 02.12.2024 and 09.05.2025 and incorporate the name of petitioner in the waiting list of candidates for compassionate appointment. It is the case of petitioner that father of petitioner was appointed on 06.11.1985 in the office of Zilla Parishad, Aurangabad and while the father of petitioner was in employment

of Zilla Parishad, Aurangabad he expired on 24.04.2009. The petitioner, therefore, preferred an application on 16.07.2009 to the office of Zilla Parishad seeking his appointment in the place of his father on compassionate ground and thereafter filed several applications as and by way of reminders for deciding the petitioner's claim in respect of his appointment on compassionate ground. However, respondent Nos.5 & 6 relying upon the order issued by Divisional Commissioner, Aurangabad dated 30.07.2024 came to a conclusion that the petitioner's application is required to be decided by the District Collector, Aurangabad, as in view of the aforesaid order dated 30.07.2024 the petitioner's services are to be termed as the services rendered for the State Government as its employee. The District Collector upon receipt of application by its communication dated 26.12.2024 again referred the application of petitioner back to the Zilla Parishad stating that father of petitioner was appointed by Zilla Parishad and at the time of his death he was serving in the office of Zilla Parishad, Aurangabad and, therefore, his application is required to be decided by Zilla Parishad, Aurangabad.

2 On this disputed issue the petitioner has approached this Court under Article 226 of the Constitution of India praying for directions to Zilla Parishad, Aurangabad to decide his applications which are pending since

16.07.2009.

3 We have heard the learned Advocate for petitioner and he has taken us through the documents that have been annexed to the present petition including the appointment order of father of petitioner and also tendered one Government Resolution dated 25.06.2004. We have also heard the Advocate for respondent Nos.4 to 6 and he argued that in view of the order dated 30.07.2004 the petitioner's father was a State Government employee and, therefore, Zilla Parishad, Aurangabad has no authority to decide the application of petitioner pertaining to the appointment of petitioner on compassionate ground.

4 We have perused the Government Resolution dated 25.06.2004, which was issued by the Planning Department of State of Maharashtra in pursuance of the orders passed by this Court in Writ Petition No.954 of 1990 decided on 28.12.2001 and also other several writ petitions by which the appointments made under the Employment Guarantee Scheme were decided to be regularized by giving directions to create additional posts. The said Government Resolution gives status to those employees as of the State Government employees who shall be regulated by the provisions of Maharashtra Civil Services Rules. The Government Resolution also states

that though the posts have been created, the employee who has been appointed under Employment Guarantee Scheme by a particular Department will continue to be employed and function with the same Department. Reading of the Government Resolution dated 25.06.2004 and then applying the same to the order dated 30.07.2004, it cannot be said that the father of petitioner, who was appointed under the Employment Guarantee Scheme in the office of Zilla Parishad, Aurangabad is not an employee pursuant to the order dated 30.07.2004 and will have to be recognized as a State Government employee. He continues to be an employee of the Zilla Parishad, Aurangabad, rendered his services under the control and supervision of the Zilla Parishad, Aurangabad.

5 In the light of above, we direct Zilla Parishad, Aurangabad to decide the representations of petitioner for his appointment on compassionate ground within a period of six weeks from today. With the aforesaid directions, the writ petition stands **disposed of**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)