



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO.15180 OF 2025

Bharat Subhash Kulthe

VERSUS

The State Of Maharashtra Through Secretary And Another

...

Mr. G. A. Ambildhage, Advocate for the Petitioner

Mr. V. M. Kagne, AGP for Respondent No.1/State.

Mr. P. D. Suryawanshi, Advocate for Respondent No.2.

...

CORAM : SMT. VIBHA KANKANWADI &

HITEN S. VENEGAVKAR, JJ.

DATE : 20 JANUARY 2026

ORDER :

. Heard learned Advocate for the petitioner and learned AGP for respondent No.1. Learned Advocate Mr. P. D. Suryawanshi waives notice for respondent No.2.

2. Petitioner's father late Subhash Vitthalrao Kulthe was serving on the post of Veterinary Dresser at Veterinary Hospital, Georai, District Beed under the employment of respondent No.2. He expired while in service on 18.07.2022. The petitioner states that he applied to respondent No.2 for employment on compassionate basis on 14.08.2023 and also given the reminders several times, however, it has not been considered. Respondent No.2 had issued a communication dated 15.09.2023 thereby

stating that the younger brother of the petitioner had claimed the appointment on compassionate ground, but his application is rejected. Now, the petitioner seeks direction to decide the application by respondent No.2.

3. The first and the foremost fact which is not in dispute is that late Subhash was the employee working under respondent No.2 and he expired on 18.07.2022. Even as per the application filed by the petitioner his father is survived by widow, the petitioner himself and his younger brother. It appears that both the brothers filed application for employment on compassionate basis. Respondent No.2 gave communication on 29.01.2024 from which it can be seen that the present petitioner had taken objection for the application by his younger brother by letter dated 06.09.2023. He raised the objection on the ground that his brother has three children. Though the brother of the petitioner appears to have given explanation, yet taking into consideration the Government Resolution dated 28.03.2005, the application of petitioner's brother was rejected.

4. Though the petitioner is contending that he made application on 14.08.2023, yet the learned Advocate for the petitioner was unable to explain as to why on page No.26, the date has been written as

07.08.2024. It is then becomes doubtful as to exactly when he made the application. Anyway, even if the date of his submission of application is taken as 28.04.2023, it is beyond the period of one year.

5. When the application of the petitioner is pending with respondent No.2, learned Advocate for respondent No.2 submits that the said application would be decided within a period of eight weeks from today.

6. Taking into consideration the said statement, we dispose of the writ petition by directing respondent No.2 to take decision on the said application and communicate the same within a period of eight weeks from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm