



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 1693 OF 2026

Shraddha Raju Pawar

....Petitioner

VERSUS

The Chief Executive Officer
Zilla Parishad Hingoli & others

.....Respondents

Mr. S. V. Suryawanshi, Advocate for the Petitioner
Mr. S. B. Pulkundwar, Advocate for Respondent Nos. 1 and 2.

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

DATE : 7th APRIL, 2026.

PER COURT : (PER HITEN S. VENEGAVKAR, J.)

1. Heard learned Advocate for the Petitioner. The Petitioner has preferred the present petition under Article 226 of the Constitution of India seeking directions to the Respondents to issue an appointment order in her favour suitable with her educational qualification by extending benefit of compassionate appointment scheme. Petitioner also seeks to challenge appointment order dated 30.09.2025 issued in favour of Respondent No. 3 by the office of Respondent No. 1 granting appointment under the compassionate appointment scheme. The Petitioner, in accordance with the allegations levelled against Respondent No. 3 also seeks directions to Respondent No. 1

to initiate a legal proceeding against Respondent No. 3 for submitting false, forged and fabricated consent affidavit to secure employment under the compassionate appointment scheme.

2. The factual matrix that leads to filing of the present petition is that the Petitioner is the daughter of Raju Pawar who was employed as Junior Assistant with the office of Respondent No. 2. The father of the Petitioner expired on 07.12.2019 during the course of his service. At the time of death father of the Petitioner, she was minor. It is the case of the Petitioner that the Petitioner became major on 06.10.2020. Thereafter, the Petitioner preferred an application on 28.10.2020 with the office of Respondent No. 1 requesting the authorities to issue appointment to her under the compassionate appointment scheme. The Petitioner has pleaded in the said application that she is the daughter of the deceased employee Raju and that she is not getting any family pension or any service benefits pertaining to her deceased father. She has contended that Respondent No. 3 is her step mother and after demise of the deceased employee, Respondent No. 3 has taken all the monetary and other benefits that were accrued out of the service of her deceased father. Even succession certificate which came to be issued at the instance

of Respondent No. 3 shows that the Petitioner was minor and under the pretext that Respondent No. 3 is taking care of the present Petitioner, all the service benefits including gratuity funds have been taken by Respondent No. 3. Petitioner, thereafter, came to know that even an application has been submitted by Respondent No. 3 for getting employment on compassionate ground and therefore, the Respondents-authorities have asked both the Petitioner and Respondent No. 3 to submit the consent affidavit of all the legal heirs of deceased Raju Pawar. The Petitioner further came to know that her consent affidavit stating that she has no objection if employment is provided to Respondent No. 3 has already been submitted by Respondent No. 3 to the office of Respondent Nos. 1 and 2 and accordingly, employment under compassionate ground has been given to Respondent No. 3. The appointment order in favour of Respondent No. 3 has been issued by Respondent Nos. 1 and 2 on 30.09.2025. It is the contention of the Petitioner that the application submitted by her seeking employment on compassionate ground is still pending with the authorities and no action has been taken on the said application.

3. Learned Advocate for the Petitioner argues that the Petitioner is a legal heir of the deceased employee and educationally qualified for obtaining employment under the compassionate appointment scheme in place of her deceased father. He further argues that the affidavit and consent affidavit submitted by Respondent No. 3 while obtaining employment under the compassionate appointment scheme is fabricated document and the Petitioner has never sent or issued any such document. He further argues that even succession certificate obtained by Respondent No. 3 has been obtained by making a misleading statement and the Petitioner has not been staying with Respondent No. 3 after the demise of her father. Infact, the Petitioner has been dragged out of the house by Respondent No. 3 and therefore, she has never been the guardian of the present Petitioner.

4. Learned Advocate appearing for Respondent Nos. 1 and 2 has resisted the petition by arguing that the employment pertaining to compassionate appointment can be granted only to one family member. There is no dispute that Respondent No. 3 is the step mother of the present Petitioner and wife of the deceased employee. He submits that under the scheme, if one family member has already

been given appointment, then the question of entertaining application of another relative does not arise.

5. We have perused the document that has been placed on record. It is a matter record and an admitted position that Respondent No. 3 is the step mother of present Petitioner and wife of the deceased employee. It is also not disputed that an application has been submitted for compassionate appointment by Respondent No. 3 who is the bonafide legal heir of the deceased employee for obtaining employment under the scheme of compassionate appointment. However, the dispute that has been raised by the present Petitioner is only pertaining to the consent affidavit which has been submitted by Respondent No. 3 to the office of Respondent Nos. 1 and 2 while obtaining employment. We have perused the document which has been placed on record and the said document suggests that the consent is dated 19.05.2021. Another document of memorandum of undertaking states that Respondent No. 3 will take care of the other family members and legal heirs of deceased Raju. In respect of the document i.e. affidavit of consent, the admitted position after verifying the same from learned Advocate for the Petitioner is that the Petitioner has not taken any action in pursuance of her claim and the

said document is forged and fabricated. Petitioner, since 2021, has failed to initiate any action or legal proceeding against Respondent No. 3 to get a declaration that the said document is fabricated, bogus or fraud. The second aspect of the matter pertains to the application that has been submitted by the present Petitioner to the authorities. In the said application, the Petitioner has clearly mentioned that Respondent No. 3 is the second wife of the deceased employee and she has one more daughter and she is also receiving monthly pension of the deceased employee. However, the Petitioner has not given any details about her natural mother and whether she is surviving as on date. Secondly, even if these issues are taken up they will be required to be proved by leading appropriate evidence to that effect.

6. In view of the above and in view of the admitted fact that the employment of Respondent No. 3, who is legal heir of the deceased employee, has already been granted, no directions of the nature as claimed by the Petitioner in the instant petition can be granted. Accordingly, Writ Petition stands dismissed. No order as to costs.

(HITEN S. VENEGAVKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE