IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 553 OF 2026

Sonali Arun Jadhav,
@ Saniya Sayyad Shaikh ...Petitioner

Versus

State of Maharashtra, Through its Principal Secretary, Rural Development Department, and Others ...Respondents

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Mr. Mohansinh U. Rajput - Advocate for the Petitioner
Mr. A. P. Vanarase – AGP for the State
Mr. N. G. Kamble i/b Mr. Uday P. Warunjikar – Advocate for Respondents Nos. 3 to 5

Coram : Sharmila U. Deshmukh & Neeraj P. Dhote, JJ.

Date : October 09, 2026.

FINAL ORDER :

1. By the present petition, the Petitioner challenges the order/communication dated 19.09.2025 issued by the Deputy Chief Executive Officer (Gen.), Zilla Parishad, Satara, rejecting the Petitioner's application for compassionate appointment.

2. The Petitioner's father was serving as a Labourer in the Zilla Parishad Construction Sub-Division, Satara, from 13.01.1986 and was due to retire on 31.05.2020. The Petitioner's father died in harness on

18.03.2019, pursuant to which the Petitioner filed an application seeking appointment on compassionate grounds on 23.01.2020. On 28.02.2020, the Deputy Chief Executive Officer, Zilla Parishad, Satara, sought certain documents, which were duly submitted by the Petitioner. Thereafter, on 02.06.2021, further documents were sought, which were also submitted. The Petitioner's mother, who was receiving pension, expired on 02.04.2022. By the impugned communication/order dated 19.09.2025, the Petitioner's application came to be rejected on the ground that the post on which the Petitioner's father was working was self-funded and, therefore, in view of the Government Resolutions dated 17.07.2025 and 31.07.2025, the Petitioner was not eligible for appointment on compassionate grounds. Before passing of the impugned order, the Petitioner received a communication dated 22.08.2025 from Respondent No. 4, calling upon her to remain present at a camp organised for candidates on the waiting list for compassionate appointment and the Petitioner thereafter attended the final round of the compassionate appointment process on 10.09.2025. It is stated that there were 251 vacancies in Group 'D' posts in the Satara Zilla Parishad, out of which 38 candidates were to be appointed on compassionate grounds, who attended the final round of the selection process on 10.09.2025.

3. Learned Advocate appearing for the Petitioner would point out that the reason for rejecting the application for compassionate appointment is completely baseless, inasmuch as the Petitioner's father was an employee on the regular establishment and was drawing a regular pay scale and points out the document at page No. 32. He would further point out that the Petitioner's father was also extended the benefits of the 5th Pay Commission, which would not have been granted if he had been working against a self-funded post. He would further point out that the Petitioner's mother was receiving family pension, which is also an indicator that the Petitioner's father was on the regular establishment. Pointing to the Government Resolutions dated 17.07.2025 and 31.07.2025, he submits that the said Government Resolutions do not set out any such condition and, in any event, since the Petitioner's father was on the regular establishment, the said Government Resolutions would not apply.

4. *Per contra*, the learned Counsel appearing on behalf of the Zilla Parishad would submit that, upon scrutiny of the service record placed on record, it was found that the deceased employee was working against a post created from self-generated funds and, as per the prevailing Government Policy, the Petitioner was not found eligible for appointment on compassionate grounds. He further submits that the

Government Resolutions dated 17.07.2025 and 31.07.2025 specifically provide that employees serving in an establishment maintained from self-generated funds are not covered under the scheme of compassionate appointment and, therefore, the Petitioner's application has been rightly rejected.

5. The only reason why the Petitioner's application has not been considered for compassionate appointment is that the Petitioner's father was serving against a post which was self-funded and, as per the prevailing Government policy, such posts are not available for the purpose of consideration for compassionate appointment. The Petitioner has produced the order dated 14.06.2001 (page No. 29) issued by the Zilla Parishad, by which the services of the Petitioner's father came to be regularized. Perusal of the annexure to the said order would indicate that the Petitioner's father's name appears at Sr. No. 10 and that his services had been regularized with effect from 01.04.1991 in the regular pay scale. By an order dated 25th June 2001, annexed at page 38 of the petition, the benefits of the 5th Pay Commission were extended to the petitioner's father. The reply affidavit filed by the Respondents does not contain a single document to demonstrate that the post against which the Petitioner's father was employed was a self-funded post. The reliance placed on the Government Resolutions dated

17.07.2025 and 31.07.2025 issued by the General Administration Department is clearly misplaced. There is no such direction in the said Government Resolutions stipulating that posts which are self-funded are not available for the purpose of compassionate appointment. This is apart from the fact that we do not find that the post against which the Petitioner's father was employed was a self-funded post. The averments in the reply affidavit are not substantiated by any documents, and the reliance placed on the Government Resolutions is clearly misplaced.

6. In light of the material placed on record, we are not inclined to accept, firstly, that the Petitioner's father was employed against a self-funded post and, secondly, that there is any embargo on the consideration of the Petitioner's application for compassionate appointment.

7. The Petitioner's father expired on 18.03.2019, and her mother expired in the year 2022, leaving the Petitioner with no funds for her sustenance. This is a fit case where compassionate appointment should be granted.

8. The record indicates that the Petitioner's documents were scrutinized and that she was also called upon to attend the camp organized for the purpose of compassionate appointment.

9. As the impugned order dated 19.09.2025 is unsustainable, the same is quashed and set aside.

10. The Chief Executive Officer, Zilla Parishad, Satara, to consider the Petitioner's application for appointment on compassionate grounds in accordance with the applicable policy and in the light of the observations made in the present order, and decide the same expeditiously and, in any event, within a period of six (6) weeks from today.

11. The Petition is allowed in the aforesaid terms.

[Neeraj P. Dhote, J.] **[Sharmila U. Deshmukh, J.]**