



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 921 OF 2025

- 1) Asha Bandu Chintawar,
Aged - 47 years, Occ- Household,
- 2) Sapana Bandu Chintawar,
Aged- 35 years, Occ: Nil,
All R/o Samartha Wadi,
Behind Vivekananda School, Yeotmal,
Tq and District Yeotmal.

.... **PETITIONERS**

// VERSUS //

- 1) State of Maharashtra,
Through its Secretary,
Department of General Administration,
Mantralaya, Mumbai-32.
- 2) Chief Executive Officer,
Zilla Parishad, Yeotmal.
- 3) Deputy Chief Executive Officer,
Zilla Parishad, Yeotmal.
- 4) Block Development Officer,
Panchayat Samiti, Zari Jamni,
District Yeotmal.

.... **RESPONDENTS**

Mr. R. V. Shiralkar, Advocate for Petitioners.
Ms. H. S. Dhande, Assistant Government Pleader for
Respondent No.1.
Mrs. Sonali Saware, Advocate for Respondent Nos.2 to 4.

**CORAM : MRS. M. S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

DATE ON RESERVING THE JUDGMENT : 23/04/2026
DATE ON PRONOUNCING THE JUDGMENT : 06/05/2026

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith. Matter is taken up for final hearing at the stage of admission by consent and request of the parties.

2. The petitioner by this petition is challenging the impugned order dated 11/10/2024 issued by the Respondent No. 3 – Deputy Chief Executive Officer, Zilla Parishad, Yeotmal, thereby rejecting the representation made by the petitioners seeking to substitute the name of the petitioner No. 2 in place of petitioner no.1 in the waiting seniority list of candidates to be appointed on compassionate grounds.

3. The petitioner No.1 is widow of Shri. Bandu Sitaram Chintawar, who died on 12.02.2008 and the petitioner No.2 is the daughter of Bandu Sitaram Chintawar. The petitioner No.2 possesses qualification of B.A. and it is contended that she is eligible for appointment on class III or class IV Post. The petitioners belong to NT-B (Beldar) category. It is submitted that there is no earning member in the family of petitioners after the death of Bandu Sitaram Chintawar, who was working as Junior Clerk with Panchayat Samiti, Zari Jamni. The husband of the petitioner no.1 died while on duty.

4. After the death of husband of the petitioner no.1, the officers from office of the respondent visited the petitioner no.1 and petitioner No.1 was asked to fill up the form for grant of appointment to her on compassionate ground. After filling up form, her name was included in the list of candidates to be appointed on compassionate ground. In the said list, the name of the petitioner No.1 was at Sr. No. 31.

5. The petitioners submit that since it was getting very difficult for her to manage the household and daily expenses, the petitioner No.1 made a representation dated 09.10.2024 to the Respondent No.2 requesting to substitute the name of petitioner No.2 in place of petitioner No.1 and consider her case for appointment on compassionate ground.

6. It is further submitted that though the representation was duly served on the respondent No.2, no action was taken on it by the respondent No.2. It is further submitted that the petitioners again made representation dated 11.10.2024 to the respondent No.4 requesting them to include the name of the petitioner No.2 in the waiting list of candidates to be appointed on compassionate grounds.

7. However, contrary to this, the respondent No.3 issued an impugned Communication dated 11.10.2024 thereby stating that the name of the petitioner No.1 had been deleted by the respondent authorities, as she had crossed the threshold age of 45 years. Moreover, the communication also states that as the petitioners had not moved before this Court seeking substitution of the names and as there was no such order permitting such a substitution; the respondent authorities did not substitute the names of the petitioner No.2 and hence deleted the name of the petitioner No.1 from the waiting list of candidates.

8. It is further submitted by the petitioners that they were not informed about the decision of removing the name of the petitioner No.1 from the waiting seniority list, neither were they given any opportunity of hearing. It is contended that the respondent authorities have breached the principles of natural justice by not allowing an opportunity of hearing to the petitioners before taking the impugned decision.

9. The learned Counsel for petitioners has relied on the following citations in support of his claim:

- (i) **Dnyaneshwar S/o Ramkishan Musane vs. State of Maharashtra & others**, reported in **2020(5) Mh.L.J. 381**; and
- (ii) **Writ Petition No. 3701/2022 (Kalpana Wd/o Vilas Taram & another vs. State of Maharashtra & others)** along with other connected matters, dated 28/05/2024.

10. *Per contra*, the respondent No.2 submitted that, admittedly the petitioner No.1 has completed the age of 45 years on 16.12.2017. Therefore, the name of the petitioner No.1 is deleted from the waiting list published in the year 2018 on the ground that she has completed the age of 45 years and as per the Government Resolution dated 17.07.2025 she was not entitled for the appointment.

11. Respondent No. 2 further submits that the petitioner No.2 has first time applied for the substitution of her name at the place of the petitioner No.1 on 22.10.2024 (Annexure No.C & D). It is specifically submitted that the name of the petitioner No.1 is already deleted and therefore there is no question of substitution remains.

12. It is further contended by the respondent Authorities that, as per the Government Resolution dated 17.07.2025, the

limitation for the substitution is 3 years from the completion of 45 years and it has been further extended by 2 years, therefore there is a total limitation of 5 years for substitution of the name. In the present case, the petitioner has applied after 6 years since completion of 45 years, which is beyond the limitation. Therefore, the present petition is bad in law and deserves to be rejected.

13. Heard learned Counsel for the respective parties at length. Perused the documents placed on record and considered the citations relied on by the learned Counsel for the petitioner.

14. The Learned Assistant Government Pleader has relied on the Judgment of the Hon'ble Apex Court in **Canara Bank v Ajithkumar G.K. (2025 INSC 184)**, wherein the Hon'ble Apex Court, while allowing the appeal filed by Appellant (Employer) held that the Division Bench ought not to have overlooked the criterion relating to suitability while directing appointment of the respondent straightaway.

15. We are in consonance with the stance that the petitioner No.1 is entitled to request for substitution of name of

another legal representative of the deceased employee for the appointment on compassionate grounds, as is reiterated in the Judgments of this Court in **Dnyaneshwar S/o Ramkishan Musane (supra) and Kalpana Wd/o Vilas Taram (supra)**. However, we cannot ignore the fact that the total period of limitation for substitution of name is 5 years, which is already exhausted in the present case.

16. Admittedly, the husband of the petitioner died on 12.02.2008 and the petitioner was born on 16.11.1972. She attained the age of 45 years on 16.12.2017. It is pertinent to note here that she made a representation on 11.10.2024 for including the name of petitioner No. 2 in the waiting list of candidates to be appointed on compassionate grounds. However, the name of the petitioner No.1 was deleted from the waiting list in the year 2018 itself.

17. On perusal of the Government Resolution dated 17.07.2025, it is clear that the period of limitation for substitution of name for compassionate appointment was earlier 3 years, which was extended by the further period of 2 years. Therefore, the current period of limitation for requesting to

substitute the name in the waiting list is 5 years from the date of attaining the age of 45 years. Since, the petitioner No.1 has applied for substituting the name of petitioner No.2 after 6 years from the completion of 45 years of age, the application is clearly barred by limitation as prescribed in Government Resolution dated 17.07.2025. Thus, we hold that the petitioner No.1 failed to make representation within the stipulated time frame as provided under the Government Resolution dated 17.07.2025. As the Petition is devoid of merit, the petition stands **dismissed**.

18. **The Rule is discharged.** No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)