



N THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6149 OF 2024

State of Maharashtra & Ors.

Vs.

Smt. Chaya wd/o. Anil Gayakwad & Anr.

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. P.P. Pendke, AGP for the Petitioners/State.

Mr. P.R. Agrawal, Advocate for the Respondents.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 06.05.2026

Heard.

2. By this writ petition, the order dated 03.10.2023 passed by the Maharashtra Administrative Tribunal is under challenge at the instance of the State.

3. Having gone through the impugned order, it is evident that the Tribunal has directed to include the name of respondent No.2 in the waiting seniority list for appointment on compassionate ground. Such directions were issued in light of the fact that respondent No.1 had attained the upper age limit of 45 years for consideration of a claim for appointment on compassionate ground.

4. Except the ground that such directions are contrary to Government Resolution dated 17.07.2025, no other ground is raised in this petition. However, having gone through the Government Resolution more particularly paragraph 5 thereof, we do not find favour with the interpretation that the State is

making of its own Government Resolution. Moreover, when a full bench judgment is there on the issue in the case of *Kalpana wd/o. Vilas Taram and another Vs. State of Maharashtra and others* reported in *2024(4) Mh.L.J. (F.B.) 312*, which permits substitution, we are of the opinion that the order of the Tribunal is completely in consonance with the above referred decision.

5. In that view of the matter, there is no merit in this petition. The petition is **dismissed**. No costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Vijaykumar