



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

WRIT PETITION NO. 4894 OF 2025

- 1) Miss. Meena Jaswant Madame,
Aged about 26 years,
R/o. at post Kardha,
Kale College parisar, Neharu Ward,
Kardha, District Bhandara
- 2) Mrs. Kanta Jaswant Madame,
Aged about 55 years,
R/o. at post Kardha,
Kale College parisar, Neharu Ward,
Kardha, District Bhandara.

.... **PETITIONERS**

// **VERSUS** //

- 1) The State of Maharashtra,
Through its Director,
Directorate of Municipal
Administration, Mumbai.
- 2) The Collector, Bhandara,
District Bhandara.
- 3) The Chief Officer,
Municipal Council, Bhandara,
District Bhandara.

.... **RESPONDENTS**

Mr. P. A. Jibhkate, Advocate for the Petitioners.
Mr. S. V. Narale, Assistant Government Pleader for the
Respondent Nos.1 and 2.
Mr. Suyash Agrawal, Advocate for the Respondent No.3.

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

DATE : 06th MAY, 2026.

ORAL JUDGMENT : (Per : SMT. M.S. JAWALKAR, J.)

1. Heard. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

2. By this Petition, the Petitioners are challenging the order dated 25.05.2022, passed by Respondent No. 3 – Chief Officer, Municipal Council, Bhandara and also direction to Respondent Nos.1 to 3 i.e. the State of Maharashtra through its Director, the Collector Bhandara and the Chief Officer, Municipal Council, Bhandara to appoint the Petitioner No.1 immediately in the employment as per her eligibility.

3. It is contention of the petitioners that father of the Petitioner No.1 namely Jaswant Madhoji Madame, who was working on the post of “Valveman” with the Water Supply Department of Municipal Council, Bhandara, expired on 12.11.2005. The Petitioner No.2 widow of the deceased employee made a representation to the Respondent No.2 for appointment on compassionate ground in place of her deceased husband. Her name was included as Class-IV employees in the Waiting List for the candidates to be appointed on compassionate ground. The Petitioner No.1 has attained age of majority on 31.03.2016.

The Petitioner No.2 was not keeping well, therefore she applied for substitution of the name of her daughter i.e. Petitioner No.1 in her place. However, there is no response, surprisingly on 25.05.2022, the Respondent No.3 – Chief Officer, Municipal Council, Bhandara informed the Petitioner No.2 that according to Clause No.11 of the Government Resolution dated 21.09.2017, the name of the Petitioner No.2 was removed from the waiting list of the candidates on compassionate appointment.

4. The Petitioners relied on the Judgment of ***Kalpana wd/o Vilas Taram & Anr. Vs. State of Maharashtra & Ors.***, reported in ***2024(4) Mh.L.J. (F.B.) 312***, wherein the Full bench of this Court answered the referred question No.2 as follows :

Q.(ii) *Whether the policies of the State, which provide for creating a wait list of the candidates for compassionate appointment and in cases permits substitution, even on account of crossing a particular age limit of 45 years is contrary to the object and purpose for which a compassionate apportionment has to be granted?*

Ans : **a)** *Maintaining a wait list of the candidates for compassionate appointment is not contrary to the object and purpose for which a compassionate appointment has to be granted.*

b) *Seeking substitution of the name of another member in place of a member who has applied, on account of crossing the age limit of 45 years is not contrary to the object and purpose for which compassionate appointment must be granted.*

5. The Respondent No.3 – Chief Officer, Municipal Council, Bhandara placed on record reply, wherein it is submitted that in pursuance to the Judgment of this Court in ***Kalpana wd/o Vilas Taram*** (supra) and the Government Resolution dated 17.07.2025, he has started the procedure to substitute the name of Petitioner.

6. In view of this position, we direct the Respondent No.3 to substitute the name of Petitioner No.1 in place of Petitioner No.2 in the waiting list of candidates to be appointed on compassionate ground, at the same position. The Respondent No.3 to forward the proposal within a period of four weeks.

7. So far as appointment on compassionate ground is concerned, it will be followed as per law.

8. The writ petition stands disposed of in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

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