



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 7884 OF 2025

1. Narendra S/o. Gulabrao Ghaywan,
Aged about 42 years,
Occupation: Nil/Labour.
2. Gulabrao S/o. Kacharu Ghaywan
Aged about 70 years,
Occupation: Nil.
3. Smt. Sumitrabai, W/o. Gulabrao
Ghaywan, Aged about 65 years,
Occupation: Housewife.

All are R/o. Ambedkar Nagar,
Yavatmal, Tq. and Dist. Yavatmal.

...PETITIONERS

VERSUS

The Zilla Parishad, Wardha,
Through its Chief Executive Officer.

...RESPONDENT

Shri K.S. Narwade, Advocate for petitioner
Shri N.M. Kolhe, Advocate for respondent

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

RESERVED ON : **15.04.2026**
PRONOUNCED ON : **24.04.2026**

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of parties.

3. The present petition filed under Article 226 of the Constitution of India seeks quashing and setting aside the communication dated 05.06.2023 and 10.10.2025, issued by the respondent. By way of said communication, it was informed to the petitioner No.1 that his name stands deleted from the wait list of persons for compassionate appointment. By way of communication dated 10.10.2025, it was informed to the said petitioner that since more than 10 years have been lapsed from his name appearing in the waiting list, and due to the fact that the period of condonation is only limited to 5 years, his request cannot be reconsidered.

4. Facts as can be seen from the petition are as under:

The petitioner No. 1 is the brother of one Vishakha Gulabrao Ghaywan, who unfortunately expired due to an accident on 05.01.2014. The petitioner Nos. 2 and 3 are the parents of the petitioner No. 1 and deceased Vishakha. Said Vishakha was

working as a Livestock Supervisor with the respondent and was the sole breadwinner of the family.

5. After her death, as per the rules, the petitioners were asked to give an option to provide appointment to any suitable member in the family, including that of the petitioners and one Ashok Ghaywan, who is another brother of the petitioner No. 1. The petition asserts that the said Ashok is not even educated upto 10th standard and thus not eligible as per the policy of compassionate appointments.

6. It is further stated in the petition that after completion of all necessary formalities, the name of the petitioner No. 1 was included in the waiting list of persons for providing appointment on compassionate ground as on 31.12.2015. In the said waiting list, the name of the petitioner No. 1 is found at Sr. No. 43.

7. However, thereafter, a dispute arose between the petitioners on one hand, and the said Ashok Ghaywan on the other. Therefore, only with an aim to somehow obstruct the proposed employment of the petitioner No. 1, said Ashok lodged a complaint with the

respondent and stated that he wants to withdraw his consent for providing appointment to the petitioner No. 1. In the intervening period, no steps were taken by the respondent for providing compassionate appointment to the petitioner No. 1. However, on 28.04.2021, the respondent issued a letter to the petitioner to submit necessary no objection certificate, and further it was informed that till the time the said no objection certificate was not submitted, their case would be kept pending. It is also worthwhile to mention that the name of the petitioner No. 1 was also shown in the final waiting list, which was updated till 30.09.2022, in which the name of the petitioner No. 1 was at Sr. No. 2.

8. In the backdrop of these facts, on 05.06.2023, the petitioner No. 1 received a letter from the respondent that his name is being removed from the waiting list and the matter is being closed for want of documents. However, after continuous persuasion with the respondent, the petitioners on 28.08.2025 submitted necessary documents to the respondent. In response to the said letter of the petitioners of 28.08.2025, the respondent addressed a communication on 22.09.2025 calling upon the petitioner No. 1 to be present for hearing on 30.09.2025. After completion of hearing

on 30.09.2025, the respondent communicated to the petitioner No. 1 that as per the policy only five years delay can be condoned in the matter and therefore his case cannot be considered. This was communicated vide letter dated 10.10.2025. It is in the conspectus of these facts that the petitioners have approached this Court challenging the communications stated supra.

9. We have heard Shri K.S. Narwade, learned Counsel for the petitioners and Shri N.M. Kolhe, learned Counsel for the sole respondent.

10. Learned Counsel for the petitioners, by taking us through the policy for compassionate appointment as spelt out in the Government Resolution dated 21.09.2017, submits that the action is in contrast to the said Government Resolution. He submits that the fact that the name of the petitioner No.1 appearing in the said list is not disputed. He points us out Clause १० (ई) of the said Resolution, which unequivocally states that the name of the concerned person in the waiting list will only be included after receipt of all requisite documents in that regard. It further states

that the name would be included on the same day when such documents are received.

11. By relying on the said clause, the learned Counsel for the petitioners submits that a meaningful reading of the said clause contemplates that all the procedural formalities and the satisfaction with respect to the documents have already been reached, and then only the name of petitioner No. 1 was included in the waiting list. He further states that there is no right in some other person to withdraw the no objection granted earlier, since the name of the concerned person appearing in waiting list on the basis of the no objection granted earlier would accrue some benefit in his favour, if not a vested right. He further submits that it was only due to the dispute in the family that said Ashok raised a dispute. Even otherwise, he submits that it is only the petitioner No. 1 who could seek appointment on the lowest grade post as is available with the respondent and therefore the action of the respondent cannot be countenanced with.

12. Per Contra, learned Counsel for the respondent opposes the contentions made in the petition. By taking us through the reply

filed by the respondent, the Counsel points out that since no objection certificate of Shri Ashok Ghaywan was not submitted, the name of the petitioner No. 1 stood deleted from the waiting list. He further states that Clause ८ (आ) of the said Government Resolution contemplates that an affidavit has to be submitted by a person seeking compassionate appointment, and it also provides for removal of service if any complaint is received in future.

13. We have considered the contentions canvassed by the learned Counsel for the respective parties. Government Resolution dated 21.09.2017 is a policy for compassionate appointment framed by the State. As rightly relied by the learned Counsel for the petitioners, Clause १० (ई) contemplates that only when all the requisite documents are submitted by the concerned person, in that eventuality, the name of the said person would be included in the waiting list. Furthermore clause ८ (आ) contemplates submission of a no objection certificate by the other members of the family. Since the name of the petitioner No. 1 was included in the waiting list and continued till its incorrect removal by the respondent, it follows that all the documents in that regard, including the no objection certificate of said Ashok was submitted.

14. After going through the said Government Resolution, we do not find any clause empowering the persons of the family to withdraw their no objection certificate subsequently. As far as Clause ८ (आ) is concerned, the said clause would come into operation only after the person concerned getting appointment and a complaint being received that he is not taking care of the other family members. In that eventually only, the concerned appointing authority or the higher office can initiate departmental action against him and remove him from the service. This is not the situation in the present case. In our view clause ८ (आ) would come into operation only when the person concerned is appointed and not before that.

15. As far as the period of 10 years is concerned, which is a reason mentioned in the impugned communication, the same is totally incorrect since the name of the petitioner No. 1 was admittedly in the waiting list and was included after complying all procedural formalities in that regard. It is therefore apparent that the reliance placed by the respondent on the said aspect of 10 years is totally uncalled for.

16. In our view, therefore, the impugned communications cannot withstand the scrutiny of law and are liable to be quashed and set aside.

17. In that view of the matter, following order is passed:

ORDER

- i) The writ petition is allowed.
- ii) The communications dated 05.06.2023 and 10.10.2025, issued by the respondent, are quashed and set aside.
- iii) The respondent is further directed to register the name of the petitioner on its original number in the seniority list of the candidates eligible for appointment on compassionate ground.

18. Rule is made absolute in the above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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

Jayashree..