

(2022) 05 BOM CK 0013
In the Bombay High Court
Case No : Writ Petition No.8476 Of 2019

Ku. Puja

APPELLANT

Vs

Government Of Maharashtra And Others

RESPONDENT

Date of Decision : 02-05-2022

Acts Referred:

Citation : (2022) 05 BOM CK 0013

Hon'ble Judges : Sunil B. Shukre, J;M.S. Jawal Kar, J

Bench : Division Bench

Advocate : Rishi D. Narkhede, N.R. Patil, Gayatri M. Reve

Final Decision : Dismissed

Judgement

Sunil B. Shukre, J

1. Heard. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. The father of the petitioner, who was an Extension Officer in Panchayat Samiti died on 24.01.2009 and immediately after his death, name of respondent No.3, the mother of the petitioner and widow of the deceased was included in the waiting list of the candidates seeking compassionate appointment. Later on, as the petitioner turned major, name of the petitioner was substituted for name of respondent No.3, as the candidate seeking compassionate appointment. Her name was so substituted on 01.01.2015.

3. Now the question is, whether on 01.01.2015, there was any prohibition on substitution of the name in the waiting list of the candidates seeking compassionate appointments and the answer has to be provided as in the negative. Such prohibition came into force only in the year 2015, when the Government Resolution dated 20.05.2015 was issued. But, the prohibition which was brought into force subsequently has now been applied to the case of the petitioner and once again, her name in the waiting list has been substituted by

the name of respondent No.3, which is not permissible in the law. This is also the view taken consistently by this Court in the case of Pushpabai Rajesh Bisne and ors Vs. State of Maharashtra and ors. in Writ Petition No.5944 of 2018 decided on 22.07.2019 and also the case of Sumit Bhojraj Kamde and ors. Vs. The State of Maharashtra and ors. , in Writ Petition No.2014 of 2019 decided on 07.10.2020.

4. Thus, the impugned order has to be held as illegal. The petition is, therefore, allowed and impugned order is hereby quashed and set aside. The position which obtained on 01.01.2015, which showed the name of the petitioner at Sr.No.32 in the waiting list of the candidates seeking compassionate appointment, is restored with immediate effect.

5. Rule is made absolute in the above terms. No costs.