

ITEM NO.1

Virtual Court 4

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.32276/2019

(Arising out of impugned final judgment and order dated 17-01-2019 in WP No.13131/2018, 07-06-2019 in RA No. 47/2019 passed by the High Court of Judicature at Bombay at Aurangabad)

ZILLA PARISHAD AHMEDNAGAR

Petitioner(s)

VERSUS

AJINKYA S/O SHARAD GOVEKAR & ANR.

Respondent(s)

(With appln.(s) for c/delay in filing SLP, exemption from filing c/c of the impugned judgment, exemption from filing O.T. and c/delay in refiling/curing the defects)

Date : 11-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)

Mr. Kailas Bajirao Autade, AOR

For Respondent(s)

Mr. Sudhanshu S. Choudhari, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 Delay condoned.
- 2 The candidature of the respondent for compassionate appointment had been initially verified and he was found to be eligible on 28 June 2017. It was only on 10 August

2018, nearly fourteen months thereafter, that a communication was addressed to the respondent requiring him to file certain documents which he complied with, on 20 August 2018, within a span of ten days. Despite this, the position of the respondent in the seniority list was sought to be affected by placing him below the position which had obtained as on 28 June 2017. There is no dispute about the fact that the respondent is eligible for compassionate appointment. This is not a case where a candidate who is not eligible is claiming to be appointed. In the peculiar facts of the situation as it emerges before the Court, though for the reasons which we have adduced, we are not inclined to interfere with the orders of the Aurangabad Bench of the High Court of Judicature at Bombay, both in the first instance and in review.

- 3 The Special Leave Petitions are dismissed.
- 4 Pending application(s), if any, stand disposed of.

(Chetan Kumar)
A.R. -cum-P.S.

(Saroj Kumari Gaur)
Court Master