

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 887/2017 (S.B.)

Chandrakala W/o Jitendra Patil,
Aged about 45 years, Occ. Nil,
R/o 14, Kushi Nagar, Verma Layout,
Nagpur-10.

Applicant.

Versus

- 1) The State of Maharashtra,
Department of Higher Education,
Mantralaya, Mumbai-32
through its Secretary.
- 2) Collector,
Civil Lines, Nagpur-01
- 3) Dy. Director (Higher Education), Old Moris College,
Building, Sitaburdi, Nagpur-01.
- 4) Director, Government Institute of Science,
Ravindranath Taigor Marg, near Maharaj Bagh,
Civil Lines, Nagpur-01.

Respondents.

Shri S.M. Khan, Advocate for the applicant.

Shri S.A. Sainis, P.O. for respondents.

**Coram :- Hon'ble Shri Anand Karanjkar,
Member (J).**

JUDGMENT

(Delivered on this 2nd day of April,2019)

Heard Shri S.M. Khan, learned counsel for the applicant
and Shri S.A. Sainis, learned P.O. for the respondents.

2. The facts are that the applicant's husband Jitendra was serving as Laboratory Assistant and he died on 14/6/2014 during service. The applicant submitted application to appoint her on compassionate ground and her name was enrolled in the list. It is grievance of the applicant that she was not appointed and thereafter decision was taken to remove name of the applicant from the list for the reason that she had completed prescribed age. The applicant thereafter moved application and requested the respondents that as she completed prescribed age, therefore, name of her minor son be included in the list. It is submitted that the Joint Director of Higher Education, Nagpur Division informed the applicant that there was no provision in law to enrol name of her minor son in the list and this action is challenged in this original application.

3. I have heard the submissions on behalf of the applicant and on behalf of the respondents. I have perused the G.R. dated 21st September, 2017. As per Clause 11 on page no.10 the procedure is laid down when the candidate completes the prescribed age. As per this provision name of the applicant was deleted from the list. As per Clause 21 of this G.R. in the event of death of the candidate whose name is entered in the waiting list, name of legal heir should be entered. In this case the applicant is alive and her son is minor, therefore, no error is committed by the respondents in rejecting the

request made by the applicant for entering name of her son in the waiting list. Here it is necessary to mention that the son of the applicant is minor and after attaining majority he will have choice to apply for the appointment on compassionate ground or not, but certainly direction cannot be issued for entering name of minor son of the applicant in the waiting list. Hence, the following order –

ORDER

The O.A. stands dismissed with no order as to costs.

Dated :- 02/04/2019.

*dnk.

(A.D. Karanjkar)
Member (J).