



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

**WRIT PETITION NO. 950/2023**

**Shashank S/o Late Anil Ambade and another**  
**Vs.**

**The State of Maharashtra, through its Secretary, School Education**  
**and Sports Department and others**

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. S.S. Taram, Advocate for Petitioner  
Mr. H.R. Dhumale, AGP for Respondent No.1  
Mr. Amey Motlag, Adv. h/f Mr. Vilas Kulsange, Adv. for Respondent No.3

**CORAM: AVINASH G. GHAROTE AND**  
**SMT. M.S. JAWALKAR, JJ.**

**DATED : 16<sup>th</sup> AUGUST, 2024**

1. The petition questions the communication dated 26.10.2021 (page 27), by which the name of the petitioner has been removed from the waiting list for the appointment on compassionate ground maintained by the respondent No.3, on the ground, that the petitioner has attained 45 years of age. It is contended, that substitution is permissible in view of what has been held by the learned Full Bench of this Court in the case of **Kalpana Wd/o Vilas Taram and others Vs State of Maharashtra and others in Writ Petition No.3701/2022 and connected petition**, in view of

which, the impugned communication dated 26.10.2021 is hereby quashed and set aside and the respondent No.4 is directed to consider the application filed by the petitioner dated 05.04.2021, for substitution in terms of the judgment of **Kalpana Wd/o Vilas Taram Vs State of Maharashtra and others** (supra).

2. The petition is accordingly allowed in the above terms. No costs.

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

(AVINASH G. GHAROTE,J.)