

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2693 OF 2014

MANISHA VISHWANATH MAHAJAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Patil Ujwal Subhash
AGP for Respondents State: Mrs.S.D.Shelke
Adv.Mr.Sudhir Patil h/f
Mrs.Bharaswadkar Kalpalata B.for R/2 and 3

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**CORAM : S. V. GANGAPURWALA &
V. L.ACHLIYA, JJ.
DATED : 5th MARCH, 2015**

P.C. :-

Mr.Patil, learned counsel for the petitioners submits that the petitioner no.1 had applied for voluntary retirement, her request was not considered. Now the petitioner no.1 has retired from service. During her employment only petitioner no.1 had given option of appointing petitioner no.2 as per relevant rules dated 30/6/2011 which were operating. The learned counsel submits that only because of the inaction of respondent no.1 in not allowing the petitioner to retire voluntarily, the respondents cannot take advantage of their own wrong. According to the learned counsel, petitioner no.2 is entitled to be appointed on compassionate ground. Mr.Patil, learned counsel for the respondent submits that as per the policy, petitioner no.2 cannot be appointed on compassionate ground. Petitioner no.1 has retired on attaining superannuation.

2] We have considered submissions canvassed by learned

counsel for respective parties. Petitioner no.1 had not challenged action of the respondents in not allowing the petitioner to retire voluntarily. Petitioner continued in service and on attaining age of superannuation, has retired from service. Naturally, the rules relied upon by the parties do not permit appointment on compassionate ground if the parent of the said person has retired on attaining age of superannuation.

3] In light of above, no case for interference is made out. Writ Petition is disposed of. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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