

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 4124 OF 2015

SHIRUBAI VINAYAK KAMBLE AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr.Naiknavare Ramesh V.
AGP for Respondents/State: Mr.S.B. Pulkundwar.

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CORAM : S.S. SHINDE & M.T. JOSHI, JJ.

Dated: SEPTEMBER 11, 2015

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Heard learned Counsel for the petitioner,
learned AGP for respondents No.1 and 2, perused
the grounds taken in the petition, annexures
thereto and the affidavit-in-reply filed by
respondents No.1 and 2.

2 It appears that the name of the petitioner
No.1 was included in the waiting list of the
candidates, who have applied for appointment on
compassionate ground, maintained by office of the
Superintendent of Police, Osmanabad – respondent
No.2. In the year, 2008, there was a request by the

petitioner No.1 to the respondent No.2 to include name of the petitioner No.2 in the said waiting list instead of petitioner No.1. The said request of the petitioner No.1 has been rejected by the respondent No.2 on the ground that though the petitioner No.2 became major in the year, 2002, no steps were taken to stake his claim for the appointment on compassionate ground.

3 It is submission of the learned Counsel for the petitioners that the petitioner No.2 was prosecuting his studies and he completed 12th standard in 2008 and therefore, when petitioner No.1 became age bar, petitioner No.1 requested respondent No.2 to include name of petitioner No.2 in the waiting list maintained by respondent No.2. Therefore, according to the learned Counsel for the petitioners, the petition deserves to be allowed.

4 Upon considering the events occurred since beginning till filing of this petition, admittedly, name of petitioner No.2 was not included in the waiting list. It is not in dispute that petitioner No.2 became major in the year, 2002. It is also not in dispute that the rejection of the prayer of the petitioner No.1 to include name of petitioner No.2 in the waiting list way back in the year, 2008 was not assailed before any competent forum.

5 In the light of above, we find it difficult to exercise writ jurisdiction and issue directions to the respondents to include name of petitioner No.2 in the waiting list. In that view of the matter, petition stands rejected.

(M.T. JOSHI, J)

(S.S. SHINDE, J)

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