

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

WRIT PETITION NO. 5641 OF 2014

Shahrukh Mohammad Shaikh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Suhas P. Urgunde, Advocate h/f Shri V. S. Bedre, Advocate
for the Petitioner.

Shri K. G. Patil, Addl.G.P. for the Respondent No. 1.

Ms Ashwini Hoge Patil, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 03RD MARCH, 2015.

PER COURT :-

. The learned counsel for the petitioner submits that, the father of the petitioner was appointed in the year 1986 with the respondent No. 2. The father of the petitioner died in the year 2013 while in service. The petitioner applied for appointment on compassionate ground. The said application is rejected. The learned counsel submits that, the Government Resolution dated 28.03.2001 would be inapplicable in as much as the father of the petitioner was appointed in the year 1986. The said Government Resolution cannot be applied with retrospective effect. According to the learned counsel, third child was born prior to the said Government Resolution. Even otherwise, the said Government Resolution is illegal and the same is arbitrary and irrational. The Government has changed the appointment policy for

providing employment on compassionate ground and denying benefits of the same on such a ground is arbitrary and unconstitutional. Even otherwise, the said Government Resolution can be made applicable to those persons who have joined the service after enforcement of the said Government Resolution.

2. The learned counsel for the respondent No. 2 submits that, the deceased father of the petitioner had four sons and the last one is born on 01st July, 2003 that is after the said Government Resolution.

3. The argument of the learned counsel that the said Government Resolution could not have been applied in the present case that, the father of the petitioner was employed in the year 1986, does not hold any water. The said Government Resolution no doubt would be applicable prospectively from 28.03.2001. The father of the petitioner was in service till the date of his death that is till the year 2013. Even 4th child was born on 01st July, 2003 to the deceased father of the petitioner. The deceased father of the petitioner had four issues. Considering the said aspect of the matter, the case of the petitioner cannot be considered. As such, the writ petition is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]