

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.10431 OF 2014
WITH
WRIT PETITION NO.9058 OF 2014**

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.V.D.Hon, Senior advocate for the petitioners.
Mr.K.J.Ghute Patil, Asstt. Govt. Pleader for the State.
Mr.Vijay Sharma, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.
Date : 06.07.2015.**

PER COURT :

1. Heard.
2. Mr.Hon, learned Senior counsel for the petitioners states that the petitioners had applied for appointment on compassionate ground. The claim is not considered only on the ground that third child is born after December 2001. According to the learned counsel, the parties would be governed by the notification of the year 2005 i.e. Maharashtra Civil Services (Declaration of Small Family) Rules, 2005. According to the learned counsel, the Rules governed the appointment and as per the said Rules, the petitioners' right can not be negated. The petitioner would be covered by the

proviso of Rule 3 of the said Rules.

3. Mr.Sharma, learned counsel for the Respondent states that the compassionate appointments are governed as per Government Resolution dt.28.3.2001 and the claim of the petitioners is rightly rejected.

4. The appointment on compassionate ground is not made pursuant to Statute or Rules but is pursuant to the policy of the Government as framed from time to time. Vide Government Resolution dt. 20.3.2001, which is applicable for making appointments on compassionate grounds, third child born after December 2001 to any incumbent is ineligible to be considered on compassionate ground.

5. Considering the said aspect of the matters, the case of the petitioners can not be considered.

6. The Writ Petitions stand disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.06.07.2015.
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