

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

WRIT PETITION NO.3707/2015

Ku. Sonam d/o Kishore Funde

...Versus...

Secondary Education Society, through its President/Secretary, Sakoli, Tah.
Sakoli, Distt. Bhandara and others

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

Court's or Judge's orders

Shri Ashok Raghute, Advocate for petitioner
Mrs. P.D. Rane, AGP for respondent nos.3 and 4

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 26.11.2015

By this petition, the petitioner seeks a direction to the respondents to consider appointing the petitioner on a Class-IV post on compassionate ground.

The father of the petitioner expired while in the service of the respondent nos.1 and 2 on 17.8.1995. After the death of the father of the petitioner, the mother of the petitioner applied for compassionate appointment in 1996. After the petitioner attained the age of majority in the year 2008, the petitioner filed an application for appointment on compassionate ground. Since the said application has not been considered favourably, the petitioner has filed the instant petition for a direction to the respondents to appoint the petitioner on compassionate ground.

The relief sought by the petitioner cannot be granted in the circumstances of the case. The object of granting appointment on compassionate ground stands frustrated in the circumstances of the case. The father of the petitioner had expired 20 years earlier. If the mother of the petitioner had applied in the year 1996 for compassionate appointment and if the appointment was not provided to her, the mother of the petitioner ought to have filed legal proceedings for seeking a direction to the respondent nos.1 and 2 to appoint her on compassionate ground. If the mother of the petitioner was not considered for compassionate employment for more than 12 years, the right in the petitioner to seek compassionate appointment could not have accrued in the year 2008. We find that with the lapse of 20 years from the date of death of the father of the petitioner, the object of granting compassionate appointment, is lost.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar