FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4782/2015
(REKHA RAHUL NAIK **VERSUS** CHIEF CONSERVATOR OF FOREST, CHANDRAPUR & OTHERS)

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

Shri Abhay Lokhande, counsel for the petitioner.
Shri N.S. Khubalkar, A.G.P. for the R-4.

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

DATE : AUGUST 17, 2015.

By this petition, the petitioner challenges the communication of the respondent no.1 dated 17.04.2014 rejecting the application filed by the petitioner for appointment on compassionate ground.

The husband of the petitioner was working with the respondents and died while in service on 02.11.2008. The petitioner applied for appointment on compassionate ground on 15.11.2009. The application of the petitioner was not considered as the petitioner was more than 40 years of age at the time of applying for appointment on compassionate ground. In pursuance of a Government Resolution dated 06.12.2010 that enhanced the upper age limit of the candidates seeking appointment on compassionate ground to 45 years, the petitioner sought appointment on compassionate ground. The application of the petitioner was rejected by the order dated 17.04.2014, as the petitioner attained the age of 45 years on 10.05.2011.

We do not find any illegality in the action of the respondents in rejecting the application filed by the petitioner. In pursuance of the policy that was existing on 02.11.2008, the petitioner could not have been appointed on compassionate ground as she was more than 40 years of age at the relevant time. The Government Resolution dated 06.12.2010 could not have been applied to the case of the petitioner as it was issued two years after the death of the petitioner's husband. Even otherwise, before the turn of the petitioner for appointment could reach, the petitioner attained the age of 45 years on 10.05.2011. There is no infirmity in the order rejecting the application of the petitioner. Also, there is considerable delay in filing the writ petition inasmuch as the impugned order was issued on 17.04.2014 and the writ petition has been filed on 21.07.2015. The judgment reported in **(2008) 13 SCC 730** (*V.Sivamurthy Versus State of Andhra Pradesh & Others*) cannot be made applicable to the facts of the case.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE **JUDGE**

APTE