

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

16 WRIT PETITION NO.2269 OF 2016

SHASHIKANT PANDHARINATH WAGHMARE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Adkine S.K.

Mr. PG Borade, AGP for Respondents:

**CORAM : S.S.SHINDE &
P.R.BORA,JJ.**

DATE : 25th February, 2016.

PER COURT :

1) Heard the learned Counsel appearing for the petitioner. He submits that the petitioner has applied for appointment on compassionate ground. At the relevant time, there was no upper age limit prescribed for appointment on compassionate ground. It is submitted that the subsequent Government Resolutions, issued by the Government, are not relevant in the case of the petitioner inasmuch as his application for appointment on compassionate ground, was earlier to the said Government

Resolutions when there was no age limit prescribed for appointment on compassionate ground. Therefore, the learned Counsel submits that, the petition deserves to be entertained. However, he fairly states that on the date of filing of this petition the petitioner's age is 51 years.

2) We have heard the learned Counsel appearing for the petitioner. Perused the documents placed on record and in particular the findings recorded by the Maharashtra Administrative Tribunal in para 6 of the impugned judgment. In our opinion, the argument of the learned counsel for the petitioner that, on the date of application, there was no age limit prescribed for entertaining the application for appointment on compassionate ground, is misconceived. Thereafter, it appears that the Government Resolution dated 23.4.2008 was issued which is governing the field subsequently wherein the prescribed upper age limit is of 40 years. There is no challenge to the said Government Resolution. Therefore, the reasons assigned by the Maharashtra Administrative Tribunal in para 6 and 7 of the impugned judgment, are in consonance with the material placed on record. No

case is made out. The petition is liable to be rejected and same stands rejected.

sd/-
(P.R.BORA)
JUDGE

sd/-
(S.S.SHINDE)
JUDGE

bdv/