

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

**WRIT PETITION NO.8997 OF 2015**

Naresh s/o. Rohidas Chavan,  
Age 29 years, Occ. Education,  
r/o. Pangarkar Nagar,  
Ambad Road, Jalna

..Petitioner

Vs.

The Principal District and  
Sessions Judge, Jalna,  
Through its Registrar  
and anr.

..Respondents

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Mr.P.S.Paranjape, Advocate for petitioner

Mr.R.S.Deshmukh, AGP for respondent nos.1 and 2

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**CORAM : S.S. SHINDE AND  
SANGITRAO S. PATIL, JJ.**

**DATE : AUGUST 05, 2016**

**PER COURT :**

Heard.

2. The learned Counsel for the petitioner submits that the monthly income of the petitioner's family is just more than the total emoluments of a 'Group C' employee of the lowest rank. He, therefore, submits that the respondents

should have shown magnanimity and they ought to have appointed the petitioner on compassionate ground. He further submits that in the case of one Shri.Rathod, though the income of his family from all the sources, was more than the total emoluments of a 'Group C' employee of the lowest rank, appointment on compassionate ground has been given to him. The learned Counsel submits that in the present case also, the amount that is being received as honorarium by the mother of the petitioner, should be excluded while calculating the total income of the family. He further submits that even in the case of the said Rathod, his brother is working as a Conductor and therefore, his income is also required to be considered in totality.

3. On the other hand, the learned Counsel for the respondents, relying on the averments in the affidavit-in-reply filed on behalf of the

respondents, submits that the total income of the family of the petitioner is Rs.20,464-/-, which is more than the total emoluments of a 'Group C' employee of the lowest rank. He submits that in view of the Bombay High Court Revised Guidelines for Appointment on Compassionate Ground, 2007 (for Short "the Guidelines") and in particular, Clause 7(c) thereof, the present petition cannot be considered.

4. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents. Perused the pleadings in the petition, the grounds taken therein, the replies filed by the parties so also, the relevant provisions i.e. Clause 7(c) of the Guidelines.

5. It appears that the total income of the petitioner's family is more than the total emoluments of a 'Group C' employee of the lowest

rank. The total income of the family of the petitioner, as stated earlier, is Rs.20,464/- and the total emoluments of a 'Group C' employee of the lowest rank is Rs.15,610/-. Since the Guidelines themselves prescribe the criteria, it is not for this Court to relax the said criteria and grant relief to the petitioner.

6. In that view of the matter, we are unable to persuade ourselves to grant any relief to the petitioner. The Writ Petition stands rejected.

**[SANGITRAO S. PATIL, J.]**

**[S.S. SHINDE, J.]**