

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

WRIT PETITION NO.4248/2014

Smt. Archana wd/o Late Sanjay Kolhe

...Versus...

The President, Shri Sant Sakhubai Shikshan Sanstha Tukadoji Ward, at Post
Hinganghat, District : Wardha 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 N.B. Meshram, Advocate for petitioner
Shri N.M. Kolhe, Advocate for respondent nos.1 and 2
Shri V.P. Maldhure, AGP for respondent nos.3 and 4

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 25.07.2016

By this writ petition, the petitioner seeks a direction against the respondents to consider the claim of the petitioner for compassionate appointment on a Class-IV post.

According to the petitioner, the husband of the petitioner, died in the year 2004 and her in-laws had driven her out of the matrimonial home. It is stated that the petitioner is living in a penurious condition since then and it is necessary to direct the respondents to appoint the petitioner on compassionate ground.

Shri Kolhe, the learned Counsel for the respondent nos.1 and 2 has denied the claim of the petitioner. It is stated that presently there is no vacancy in Class-IV post in a school run by the respondent nos.1 and 2. It is further stated that though the

petitioner claims to be the second wife of the deceased, on remarriage, the said fact is disputed by the other family members of the deceased and a civil suit for declaration that the petitioner is a widow of the deceased, is pending.

In the circumstances stated herein above, the relief sought by the petitioner cannot be granted, in exercise of the writ jurisdiction, more so, when the civil suit is pending between the petitioner and the persons who claim to be the other legal heirs of the deceased. The object of granting appointment on compassionate ground also stands frustrated as the deceased has expired in the year 2004 and more than 12 years have lapsed from the death of the deceased.

In view of the aforesaid, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : S.S. Wadkar, P.S.

Uploaded on : 27/07/2016