

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5733/2016

(Jagdish s/o Khudramji Kshirsagar and another vs. State of Maharashtra and others)

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

Shri M.P. Kariya, Advocate for the petitioners
Mr. Amit balpande, Assistant Government Pleader for
Respondent Nos. 1 to 3

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

DATED : 20th December, 2016.

Heard.

By this Writ Petition, the petitioners seeks a direction against the respondents to consider the claim of the petitioner for appointment of the petitioner no.1 on compassionate ground.

The husband of the petitioner no.2, Khudramji, was working as a Forest Guard when he expired while in service, on 10.12.2002. The petitioner no.2, the widow of Khudramji, applied for appointment on compassionate ground. The name of the petitioner no.2 was placed in the waiting list. However, as per her turn, in the waiting list, the petitioner no.2 could not be appointed on compassionate ground. After the petitioner attained the age of 40-years, her name was removed from the list of persons that could be appointed on compassionate ground, as she had become over-aged. The name of the petitioner no.2 was removed from the list of candidates desirous of seeking appointment on compassionate ground. After the name of the

petitioner no.2 was removed, the petitioners sought the appointment of petitioner no.1, the son of Khudramji, aged about 20-years for compassionate appointment. The respondents, however, rejected the claim of the petitioner no.1, by referring to the Government Resolution dated 22.8.2005.

In the circumstances of the case, the prayer made by the petitioners cannot be granted. As per the Government Resolution, the name of the candidate can be placed in the list of candidates meant for appointment on compassionate ground only till they attain the age of 40-years. As the petitioner no.2 attained the age of 40-years, her name was removed from the waiting list. As per the said resolution, after an applicant becomes overage he/she is not entitled for appointment and he/she cannot substitute the name of any other member in the family for appointment on compassionate ground. Even otherwise, the husband of the petitioner no. 2 had expired more than 14-years earlier. The object of granting compassionate appointment would stand frustrated if the respondents are directed to consider the claim of the petitioner no.1 for compassionate appointment. Instead, it would be proper if the respondents appoint a deserving candidate who is really in penury after the recent death of the bread-winner.

Since the relief sought by the petitioners cannot be granted, we dismiss the Writ Petition, with no order as to costs.

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