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

WRIT PETITION NO.1329 OF 2016

Shaikh Javed s/o Shaikh Gulabsaheb
Rabbani, Age : 35 years,
Education – B.A., B.ED.,
Occupation – Labour,
Residing at Post – Bhise Wagholi,
Taluka and District Latur

..PETITIONER

VERSUS

1. The Union on India,
Through the Secretary,
Ministry of Communications and
Information Technology,
Sanchar Bhawan 20, Ashoka Road,
New Delhi – 110 001
2. The Chief Post Master General,
Maharashtra Circle,
2nd Floor, Mumbai GPO Old Building,
Mumbai – 400 001
3. The Superintendent,
Office of the Superintendent of Post Offices,
Osmanabad Division, Osmanabad,
Tal. and Dist. Osmanabad 413 501

..RESPONDENTS

Mr B. K. Patil, Advocate for petitioner;
Mr A. G. Talhar, Advocate for respondents

**CORAM : SHANTANU S. KEMKAR &
N.W. SAMBRE, JJ.**

DATE : 10th August, 2017

P.C.

The petitioner's father was working as a Post Master with the respondents. He died in harness on 30th September, 2011. The petitioner

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being son of the deceased employee submitted an application seeking compassionate appointment in place of his father. However, the application was rejected by the respondents vide order dated 29th January, 2014 (Exh."E"). Feeling aggrieved, the petitioner has filed this petition.

2. Learned Counsel for the petitioner submits that while considering the petitioner's application as per the scheme of the respondents the petitioner was not awarded the marks under the category of applicant not having his own house and was awarded 48 marks. He submits that had the marks under the said category would have been awarded, the petitioner would have received 53 marks, and would have got compassionate appointment as the requirement was of 51 marks. In the circumstances, according to the petitioner, rejection of his claim for compassionate appointment is illegal and the same deserves to be set aside.

3. Respondents have filed reply and have stated that the marks awarded to the petitioner are on the basis of correct consideration of the relevant factors. According to the respondents, the petitioner's claim for award of 5 marks under the category of not having own house is not correct. The respondents have stated that the petitioner in his affidavit dated 31st January, 2012 had admitted the fact that he is having the house inherited from his father. Therefore, denial of marks under the said category cannot be said to be illegal.

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4. Having regard to the aforesaid statement of the petitioner on affidavit, we find no fault in the decision of the respondents in not awarding any mark under the said category to the petitioner.

5. As a result, the assessment of marks which has been done by the respondents for considering the petitioner's claim cannot be said to be illegal, warranting interference in this petition.

6. In the result, the petition fails and is hereby dismissed.

(N.W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)

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