

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

WRIT PETITION NO.12267 OF 2015

Vaishali Somnath Thorat
@ Vaishali Sachin
Kshirsagar and another ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.R.A.Tambe, advocate for the petitioners.
Mr.P.N.Kutti, A.G.P. for the State.
...

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 10.04.2017.

PER COURT :

1. Heard.

2. Mr.Tambe, learned counsel submits that the father of the petitioner died on 23.1.2006 while in service. The petitioner No.1 was then major, as such on 12.4.2006, filed an application seeking appointment on compassionate ground. The

case of the petitioner No.1 was not considered. Thereafter in the year 2012 as petitioner No.1 was married, the mother of the petitioner filed an application to the Respondents to include the name of petitioner No.2 in the wait list and petitioner No.2 be given appointment. On 20.11.2012 it was informed to the mother of the petitioner by the Respondents that claim of the petitioner for change in the name can not be considered. The learned counsel submits that even the claim of the petitioner No.1 was not considered for seven years. Though the letter was given by the mother of the petitioner No.1 on 13.9.2012 to include the name of petitioner No.2 in place of petitioner No.1, the authorities did not accede, however, did not offer any post. The learned counsel submits that petitioner No.2 has now passed diploma in Engineering and is qualified to be appointed on compassionate ground. The purpose and need still subsist.

3. We have heard learned A.G.P.

4. It is almost 11 years, the father of

the petitioner has expired. The proposal submitted to include the name of petitioner No.2 in place of petitioner No.1 for getting appointment on compassionate ground on account of death of their father came to be rejected in November 2012. The present petition is filed one and half years thereafter.

5. Be that as it may, there is nothing in the Government Resolutions dated 22.8.2005 and 23.4.2008, allowing substitution of the person to be given the benefit of the appointment on compassionate ground. Moreover, the very purpose of the compassionate appointment is to give immediate succour to the family of the deceased in service. After lapse of 11 years, the same would not be considered.

6. In light of the above, the Writ Petition is disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

