

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.8427/2016

Digambar Nivrutti Ghodke.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri V.D. Gunale, Advocate for petitioner.

Shri V.M. Kagne, AGP for respondent nos.1 to 3.

.....

CORAM: V.M. KANADE &

SANGITRAO S.PATIL, JJ.

DATE: 24.01.2017

ORDER :

1] Heard learned counsel appearing for the parties.

2] The petitioner is seeking compassionate appointment on the ground that his father expired while he was on duty on 13.10.2008. At the relevant time, the petitioner was a minor. There is a Government resolution, which states that after the minor attains the age of majority, within one year he has to file the application.

3] In the present case, the petitioner applied after three years after he attained the age of majority and on

- 2 -

that ground, the application has been rejected.

4] The Government has evolved the scheme for appointment on compassionate ground in order to ensure that the employee's family should not suffer and should be able to tide over the financial problem, which is created on account of his death. Of course, this exception to the general rule is made so that immediately some financial assistance is made available. That does not mean that the petitioner has right to approach after 8 to 10 years after the death of the employee or three years after the minor attains the age of majority. The said policy is an exception to the general rule of equality in the matter of appointments as envisaged under Articles 14 and 15 of the Constitution of India. If the applications are entertained after long period of time, it would defeat and violate the principle of equality as laid down under Articles 14 and 15 of the Constitution of India. It is not possible, therefore, to accept the petitioner's submissions.

5] It is further submitted that the petitioner is also an earthquake affected person. The petitioner is always at liberty to take out the proceedings in respect of any

- 3 -

reliefs, which can be claimed as a project affected person. Reserving the said right, the petition is disposed of. No costs.

(SANGITRAO S.PATIL, J.)

(V.M. KANADE, J.)