

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

WRIT PETITION NO. 9275 OF 2016

RAMESHWAR DHONDIBA GUNTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.V.A.Dhakane, Advocate for the petitioner
Mr.K.D.Mundhe, AGP for the respondent/State
Mr.V.R.Sonwalkar, Advocate for respondent No.3,4

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.**

DATED : 06.11.2017

P.C. :-

. Mr.Dhakane, learned counsel for the petitioner submits that the petitioner had made an application for appointment on compassionate ground. The same is turned down on the ground of delay of about five and half months. Learned counsel submits that after the death of the father of the petitioner, the petitioner collected documents and forwarded it to the Block Education Officer who in turn forwarded it to CEO, Zilla Parishad. The delay was caused at the behest of the Block Education Officer.

2. Mr.Sonwalkar, learned counsel submits that as the application for appointment on compassionate ground was delayed by five and half months it was rightly

rejected. It is only the State which has power to condone the delay.

3. The parties have relied on G.R. dated 20.05.2015. The said G.R. itself states that up to two years application can be submitted for appointment on compassionate ground and the power to condone the delay vest with the administration.

4. We have considered the grounds raised by the petitioner in the petition. We are satisfied that the petitioner was prevented by sufficient cause for not making the application. The delay of five and half months has occurred.

5. Considering the above the impugned order is quashed and set aside. The respondent shall consider the application of the petitioner for appointment on compassionate ground on its own merits expeditiously, preferably within four months and shall not reject it on the ground of delay. The writ petition accordingly stands disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]