

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11142 OF 2017

Amol s/o Machhindra Karjule

Petitioner

Versus

The State of Maharashtra
& another

Respondents

Mr. P.B. Shirsath, advocate for petitioner.
Mr. S.G. Karlekar, A.G.P. for respondent no. 1.

WITH
WRIT PETITION NO. 11133 OF 2017

Amolkumar s/o Jijaba Wakchure

Petitioner

Versus

The State of Maharashtra
& another

Respondents

Mr. P.B. Shirsath, advocate for petitioner.
Mr. S.B. Joshi, A.G.P. for respondent no. 1.

**CORAM : R.M.BORDE &
SMT. VIBHA KANKANWADI, JJ.
DATE : 13th SEPTEMBER, 2017**

PER COURT:

1. Heard.
2. Petitioners are objecting to deletion of their names from the list of persons eligible for securing appointment on compassionate ground. It is noticed that at the time of induction of names of petitioners, one of their parents was already employed with the

institution and as such, inclusion of names in the list itself was erroneous. Even otherwise, according to petitioners, the entitlement to claim appointment on compassionate ground on account of death of bread winner of the family accrued way back in 2008. However, the situation prevailing and the difficulties faced by the family in the year 2007 or 2008 cannot said to subsist in the year 2017.

3. The object of providing appointment on compassionate ground is to enable the family to tide over the sudden crisis. The incidence occurred in the year 2007 or 2008 cannot be subsisting cause in the year 2017 since the family has overcome the phase of sudden shock during the long span of ten years. In the matter of Umesh Kumar Nagpal Vs. State of Haryana and others reported in **1994(4) SCC 138**, the Honourable Supreme Court has observed that as a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Government nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of any employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into account the fact that the unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is

made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. It is further laid down by the Honourable Supreme Court in various judgments that the appointment on compassionate ground cannot be claimed as a matter of right nor can be claimed at any point of time.

4. Considering the principles laid down by the Supreme Court in the judgment cited above, no interference is called for in the petitions under extra ordinary jurisdiction under Article 226 of the Constitution of India. Petitions are devoid of substance hence stand dismissed.

SMT. VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE

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