

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

963 WRIT PETITION NO. 10657 OF 2017

Mayuri d/o Dhondiba Kamble .

...Petitioner.

Versus

The State of Maharashtra and another ...Respondents.

Mr. D.A. Karnik, advocate for petitioner.

Mr. S.B. Joshi, A.G.P. for respondent No.1.

Mr. S.B. Pulkundwar, advocate for respondent No2.

...

CORAM : R.M. BORDE AND

SMT.VIBHA KANKANWADI, JJ.

DATED : 6th September, 2017.

PER COURT :-

. The petitioner objects to the Clause E of the Government Resolution dated 28th March, 2001, which prescribes a bar for securing the employment on compassionate ground, in case the deceased employee's third child is born after 31st December, 2001. The petitioner contends that the prohibition imposed under Clause E of resolution is unreasonable and discriminatory. It is contended that dependent of deceased employee is put to starvation on account of sudden demise of government employee. The further classification on account of number of children born to the deceased employee would not be permissible. It is contended that imposition of such prohibition

itself is contrary to the objective of prescribing the policy of compassionate appointment in case of death of sole bread earner.

2. The argument, though prima facie appears to be attractive cannot be said to be legal and also cannot be construed to be in larger social interest. The restriction imposed under the resolution has been incorporated as a family planning initiative by the State. Having regard to the population explosion in this country and prevailing situation, it is imperative on the part of the State to promote the policy for small family. The policy cannot also be said to be unreasonable for the reason that the object behind prescribing such condition is to protect the social and economic interest of the State. The challenge raised to the relevant clause, referred to above is devoid of merit.

3. The, Writ Petition, therefore, stands rejected.

[SMT.VIBHA KANKANWADI]
Judge

[R.M. BORDE]
Judge

nbs