

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 356 OF 2013

Naimuddin Khan S/o Jalaluddin
Khan

Petitioner

V E R S U S

The State of Maharashtra, School
Education Department, Mantralaya,
Mumbai & three others

Respondents

*Mr. Kshirsagar, Advocate, holding for
Mr. C.V. Dharurkar, Advocate for the petitioner
Mr. V.M. Kagne, A.G.P. for the respondent
Nos. 1 & 2/State
Mr. R.R. Shaikh, Advocate for respondent Nos.3 & 4*

**CORAM : S.V.GANGAPURWALA AND
K.L. WADANE, JJ.**

DATE : 6th MARCH, 2017

PER COURT :

1. Mr. Kshirsagar, learned counsel appearing for the petitioner states that the mother of the petitioner was working with Hamidiya Secondary Urdu School, Kiradpura. While in service, the mother of the petitioner died on 10th January, 2004. The mother of the petitioner was a permanent employee. On

account of death of mother of the petitioner, the petitioner has submitted an application for his appointment on compassionate ground. However, no cognizance has been taken of the same. Time to time representation were made to the respondents to appoint the petitioner on compassionate ground, but to no avail. Learned counsel further submits that as per the Government Resolution dated 31st December, 2002, the petitioner is entitled for appointment on compassionate ground.

2. Mr. Shaikh, learned counsel for respondent Nos.3 and 4 submits that respondent No.4-School was transferred to Kohitur Education and Welfare Society in the year 2005 itself.

3, It appears that mother of the petitioner was in service with respondent No.4-School, and while in service, mother of the petitioner died. It appears that the petitioner has passed 4th Standard only. It seems that, the petitioner applied to respondent No.3 for his appointment in the year 2004. Two to three

such applications were submitted in the year 2004. It appears that thereafter the petitioner had not filed any application, and as contended by learned counsel for respondent No.3, respondent No.4 is transferred to Kohitur Education and Welfare Society in the year 2005. The petitioner does not seem to have filed any application with the Kohitur Education and Welfare Society since the year 2005 till this date. The purpose of compassionate appointment is to give immediate succor to the family of the deceased who has died in harness. In view of aforesaid aspects, the relief claimed by the petitioner cannot be granted.

4. Writ Petition is disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)

