

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

50 WRIT PETITION NO. 12307 OF 2015

PUJA DHANRAJ PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHERS

Advocate for Petitioner : Mr. Wakure Sanjay A.

AGP for Respondent No.1: Mr. R. B. Bagul

Advocate for Respondent No.2 : Mr. U. B. Bondar

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

DATE : 17th January, 2017

ORDER:

1. Mr. Wakure, the learned counsel submits that father of the petitioner died in the year 2004 while in service with the respondent-2. Mother of the petitioner had immediately applied for appointment on compassionate ground. Her name was also included in the wait list. However, she was never appointed. After she crossed 45 years of age, the petitioner applied for appointment on compassionate ground. The said application is not considered by respondent No.2. Learned counsel submits that reliance placed by respondents on Government Resolution dated 20th May, 2004 is misplaced and same would not be applicable. Even otherwise contingency in case of the person crossing 45 years Age while in wait list would be the same as

is stipulated in clause 1(c) of the said Government Resolution.

2. Mr. Bondar, the learned counsel for respondent No.2 submits that mother of the petitioner, in the year 2007, was directed to comply with certain documents and requirements so as to give her appointment on compassionate ground, however, the mother did not comply the same. 2/3 times, the letters were issued but no compliances were made by the mother. Subsequently, after she crossed the age of 45 years, her name came to be deleted. There is no provision for giving appointment or taking the name of other person in the wait list.

3. We have heard learned AGP also.

4. The parties would be governed by the Government Resolution dated 20th May,2015. The contingency as laid down in the said Government Resolution is not arising in the present case. Moreover, it appears that the mother of the petitioner was asked to comply with certain documentation so as to consider her for appointment on compassionate ground in place of father of the petitioner, however, the same was not complied. Respondent No.2, as such, could not have been faulted with. As the case of the petitioner does not come

within the purview of the Government Resolution dated 20th May, 2015. The case of the petitioner cannot be considered.

5. In light of above, the writ petition is disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC