

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.848 OF 2016

Palanimuthu Rathinavel : Petitioner.
Versus
The Bhabha Atomic Research Centre & ors. : Respondents.

Mr. I M Khairdi for the Petitioner.

Mr. P M Palshikar i/by Mr. Prashant P Jadhav for the Respondent Nos.1 to 3.

**CORAM : R. M. SAVANT &
SMT. SADHANA S JADHAV, JJ.**
DATE : 30th JUNE 2017

P.C.

1 The writ jurisdiction of this Court is invoked seeking a direction that the Respondent Nos.1 to 3 be directed to appoint the Petitioner as per the process conducted in the year 2007 on the post of helper. The 2nd direction sought is that the Petitioner be appointed on compassionate grounds on account of the death of his brother who was in service of the Respondent No.1 and the 3rd direction sought is that the Petitioner be appointed as per the provisions of the Disabled Persons Act 1995.

2 The Petitioner it seems had applied for the post of helper when the same was advertised in the year 2007 and was on the wait list for the post meant for Other Backward Class (OBC).

3 On behalf of the Respondent No.1 an affidavit in reply has been

filed. The learned counsel appearing on behalf of the Respondent No.1 Shri P M Palshikar states that in so far as the wait list of the year 2007 is concerned, the same has out lived its life. In so far as the compassionate appointment is concerned, the learned counsel would submit that on the death of the Petitioner's brother, his widow and his father were granted the benefits. In so far as the last direction sought is concerned, the learned counsel would submit that as and when the post meant for physically disabled person is advertised, the Petitioner can apply for the same. The learned counsel for the Petitioner further submits that after the VIth Pay Commission, the designation of the posts have changed and the post of helper Grade A is placed in Grade VI in the Central Services and the qualification prescribed is also SSC which qualification the Petitioner does not possess.

4 In our view, in the light of the submissions made by the learned counsel for the Respondent No.1, no reliefs can be granted to the Petitioner in the above Writ Petition. However, the Petitioner would be at liberty to apply as and when the post is advertised for the physically disabled person if the Petitioner meets the requirements of the said post. With the aforesaid observations, the above Writ Petition is disposed of.

[SMT. SADHANA S JADHAV, J]

[R.M.SAVANT, J]