

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.4614 of 2017

(Aman s/o. Dadaji Fulzele ...Vs..The Deputy Director of Education, Nagpur Division,
Nagpur & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. P.S. Wathore, Advocate for petitioner.
Mr. P.S. Tembhre, AGP for respondent nos.1 & 2.

**CORAM : B.P.DHARMADHIKARI &
R.B.DEO, JJ.**

DATE : 24.07.2017.

Heard.

Petitioner claims direction to
respondents to consider his representation on
sympathetic grounds.

We have heard learned counsel for
petitioner as also learned AGP for respondent
nos. 1 & 2. Papers show that father of
petitioner was working as Physical Training
Instructor and took voluntary retirement on
27.2.2003 because of paralysis. He suffered
attack of paralysis on 25.8.2000. Petitioners'
son was minor and he has been provided

employment as a Peon on compassionate ground for the first time on 1.10.2013.

The authorities while considering the case for approval have noted that the scheme itself underwent change on 2.3.2012 and provisions made for appointment of Ward of such persons rendered medically unfit has been canceled. Thus after 2.3.2012, there is no right in favour of anybody to claim employment in such a situation on compassionate ground.

Petitioner has not produced before us order passed by Management and approved by department retiring his father on medical grounds. Similarly, his appointment on compassionate ground is after cancellation of the eligibility condition and therefore in its absence.

Employment on compassionate ground is a concession extended to a family in distress. The events necessitated such employment in 2003. However, here, father

has taken voluntary retirement and it was not a case of compulsory retirement on medical ground against his wish. Thus, we do not find any family in distress in 2003 or even in 2013.

We, therefore, find petition misconceived. Rejected.

JUDGE

JUDGE

Belkhede, PA