

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

WRIT PETITION NO.9290 OF 2013

Avinash Bhausaheb Suryawanshi.

Petitioner.

Versus

The State of Maharashtra and another.

Respondents.

Mr. R.O. Awasarmol, Advocate for the petitioner.

Mr. S.G. Karlekar, A.G.P. for the State/respondent No.1.

Mr. A.A. Jagatkar, Advocate for respondent No.2.

CORAM : **S.V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

Dated : **29th June, 2018.**

ORDER :-

1. The petitioner had applied for appointment on compassionate ground. The application is rejected. Aggrieved thereby the present writ petition.

2. Mr. Awasarmol, learned Counsel for the petitioner submits that father of the petitioner Bhausaheb Arjun Suryawanshi was working as a Assistant Teacher with respondent No.2. Father of the petitioner died in the year 2006. At that time petitioner was

minor, aged 14 years. The petitioner became major in the year 2010. On 14.09.2012, petitioner made an application seeking appointment on the compassionate ground. The said application is rejected on the ground that the petitioner had not applied within a period of one year from the date of attaining majority. Learned Counsel submits that the Government Resolution dated 28.05.2015 specifically requires the Institution to communicate the legal heir of the deceased about the Scheme of Compassionate Appointment. In the present case, respondent No.2 never intimated mother of the petitioner nor the petitioner on attaining the age of majority regarding the right of the petitioner to apply for compassionate appointment.

3. Respondents did not abide by the Government Resolution and as such could not have rejected the application on the ground of delay. The said Government Resolution further states that if the application is made within two years, the delay can be condoned. The application was made within two years.

4. We have also heard learned Additional Government Pleader.

5. The order rejecting the application of the petitioner seeking appointment on compassionate ground is dated 15.10.2012. The Government Resolution dated 28.05.2015 would not apply to the case of the petitioner. On the date on which the order was

passed by respondent No.2, the policy evolved under Government Resolution dated 28.05.2015 was certainly not in force. Respondent No.2 acted as per the policy in force at the time the application was made and the order passed.

6. Considering the above, no illegality has been committed. Admittedly the application was delayed. Moreover, after 12 years the very purpose of compassionate appointment would not survive.

7. In light of the above, no relief can be granted to the petitioner.

8. Writ Petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

vdd/