

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4130 OF 2018

Kalpana Valmik Shirsath

.. **Petitioner**

Versus

The State of Maharashtra and another

.. **Respondents**

Shri Arvind G. Ambetkar, Advocate for the Petitioner.

Shri A. P. Basarkar, A.G.P. for Respondent Nos. 1.

Shri Shivaji T. Shelke, Advocate for Respondent No. 2.

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

DATE : 26th June, 2018

PER COURT :

1. The petitioner seeks appointment on compassionate ground.
2. It is not disputed that the name of the petitioner appeared in the wait list of the persons to be appointed on compassionate ground.
3. The respondents have also stated that they were to appoint

the petitioner but because of the incomplete address, the petitioner could not be communicated and as such, the person next to the petitioner in the seniority list was appointed on compassionate ground. Twice the registered post letters were issued to the petitioner, they were returned back. Even the Block Development Officer was directed to search the petitioner. Even he searched but the petitioner could not be found. Even panchanama was conducted to that effect.

4. It appears that registered post letters were issued to the petitioner, however, could not be served upon the petitioner. The petitioner was in the queue for appointment on compassionate ground and the petitioner was considered for appointment on compassionate ground but due to communication gap the petitioner could not be appointed and a person next to the petitioner in the seniority list was appointed.

5. It appears that it is only because of the communication gap the case of the petitioner could not be considered for compassionate appointment.

6. Be that as it may, it is submitted upon Government instructions, within a week or two the process of appointment on compassionate ground would be undertaken by the respondent. If the same is undertaken, the respondent shall consider the case of the petitioner for appointment on compassionate ground and shall not reject only on the ground that petitioner has subsequently crossed 45 years of age. We have passed this order considering the peculiar facts of the present case.

7. Writ Petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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