

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

BENCH AT AURANGABAD.

WRIT PETITION NO.10177 OF 2015

Smt.Surekha W/o Dayanand
Mahagade. ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.S.S.Deshmukh, advocate for the petitioner.
Mrs.M.A.Deshpande, Additional Government Pleader
for the State.
Mr.S.K.Tambe, advocate for Respondent Nos.1 to 3.
...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 07.03.2018.

PER COURT :

1. Mr.Deshmukh, learned counsel for the petitioner submits that the petitioner has filed an application seeking appointment on compassionate ground, on account of death of her husband. The petitioner's name is included in the wait list. However, on completion of 40

years of age, her name was removed from the wait list. Subsequently, the Government extended the age for considering a person to be appointed on compassionate ground to 45 years. The petitioner was very much within the age, as such could have been considered. The persons below the petitioner in the list maintained for appointment on compassionate ground are given appointments. The learned counsel relies on the order of this Court in W.P.No.1607/2011 dated 19.7.2012. The learned counsel further submits that the said order is confirmed by the Apex Court also.

2. Learned Additional Government Pleader submits that at the relevant time there was ban on recruitment. The ban was relaxed in case of those persons who were in the list of persons to be appointed on compassionate ground as in the year 2005. The petitioner is enrolled in the year 2007 in the list. The persons below the petitioner in the list were given appointment as they were within the maximum age prescribed. No illegality has been committed.

3. We have considered the submissions. The appointment on compassionate ground is not a right. It is based on Government instructions issued from time to time. Even after 10 years the very purpose of compassionate appointment does not subsist.

4. Be that as it may, the petitioner was enrolled in the list maintained by the Respondents for appointment on compassionate ground in the year 2007. The petitioner had crossed the age of 40 years before the introduction of GR dated 6.12.2010, by virtue of which the age was extended to 45 years. The name of petitioner was deleted from the list of persons to be appointed on compassionate ground, upon the petitioner having crossed 40 years of age. There is nothing to show that the persons below the petitioner in the list were appointed prior to the petitioner and before the petitioner had crossed 40 years of age.

5. Considering the above, no relief can be granted to the petitioner. The Writ Petition is

disposed of. No costs.

(A.M.DHAVALA, J.)

(S.V.GANGAPURWALA, J.)

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