

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

161 WRIT PETITION NO. 2260 OF 2014

**BABASAHEB TAWJI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr.U.R. Awate
AGP for Respondent No. 1 : Mr. S.B.Pulkundwar
Advocate for Respondent Nos. 4 & 5 : Mr.Mundhe S.V.

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

DATE : AUGUST 6, 2018

O R D E R :

The petitioner seeks appointment on compassionate ground.

2. Mr. Awate, learned counsel submits that one Mr. Tawji Bhaguji Jadhav was in employment of respondent. He died on 27.9.1985 while in service. The

petitioner is adopted on 21.4.1985 as per the tradition and customs. The adoption deed was registered in the year 2000. The petitioner has also been issued legal heirship certificate by the Civil Court. The adoptive mother was offered employment in the year 1986, but could not take up the employment.

3. According to learned counsel, there is no impediment to consider the case of the petitioner for appointment on compassionate ground.

4. Mr. Mundhe, learned counsel appearing for respondent contends that for the first time the petitioner made application in the year 2003. Considering the documents placed on record the claim of the petitioner is rejected.

5. We have considered the submissions canvassed by learned counsel of respective parties.

6. The purpose of giving appointment on compassionate ground is to provide immediate succour to the dependent of the deceased dying in harness. The case for compassionate appointment would not survive after long slumber of 28 years. It is also to be noted that the widow of deceased Tawji was offered employment in the year 1986, but the same was not accepted by her.

7. It is abundantly clear that the adoptive mother was not in requirement of employment. The adoption deed is registered in the year 2000. The adoption deed nowhere refers to the adoption of the petitioner in the year 1985. The registered adoption deed is on the premise that the adoption has taken place pursuant to the registered instrument. The petitioner certainly cannot claim appointment on compassionate ground on the basis of said instrument. No error has been committed by rejecting the claim of petitioner.

8. Writ petition is dismissed. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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