

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

961 **WRIT PETITION NO.5397 OF 2018**

SMT. PRACHI D/O SURESHRAO DSHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr.Swami S.C.

AGP for Respondents:Mr. S.P. Tiwari

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CORAM : **S. V. GANGAPURWALA & R. G. AVACHAT, JJ.**

Date: December 14, 2018

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PER COURT :-

1 The grievance of the petitioner is that, her claim for appointment on compassionate ground is negated under the impugned communication, on erroneous grounds. According to the learned counsel, the father of the petitioner Suresh Deshmukh died on 12.11.1997 while in service. The mother of the petitioner submitted application for appointment on compassionate ground. Name of the mother of the petitioner was included in the wait-list of the persons to be appointed on compassionate ground. However, till the mother of the petitioner crossed upper age limit, she was not appointed. Subsequently, her name was removed from the wait-list. Thereafter, an application was made to include the name of the petitioner in the

wait-list of the persons to be appointed on compassionate ground. The said application is erroneously rejected, purportedly on the ground that there is no provision to include the name of another person in the wait-list.

2 Learned counsel submits that the policy of giving appointment on compassionate ground is a welfare policy and has to be properly construed.

3 We have heard learned AGP for the State.

4 The claim for compassionate appointment cannot be considered perennially and in perpetuity. 21 Years have lapsed, since the death of the father of the petitioner. The marriage of the petitioner has also taken place after the death of her father. The name of the mother of the petitioner was taken on the wait-list of the persons to be appointed on compassionate ground, however, it appears that, even prior to the death of the deceased, the mother of the petitioner had crossed the upper age limit i.e. on 5.6.1996. Her name, at that time could not have been taken on wait-list.

5 Be that as it may, the claim for compassionate appointment can neither be considered after 21 years, nor there

is any policy to include the name of another heir after removal of name of one heir from the wait list.

6 In the light of above, no case for interference.

7 Writ petition is dismissed.

8 No costs.

(**R. G. AVACHAT, J.)**

(**S. V. GANGAPURWALA, J.)**

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