

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.695 OF 2014

Abbas Raza Muzaffar Husain

Petitioner

versus

Malegaon Municipal Corporation School Board
and others

Respondents

Mr.M.K.S.Dehlvi for petitioner.

Mr.G.N.Keluskar for respondent no.2.

Mr.R.D.Rane for respondent no.1.

CORAM : B.R.GAVAI AND
PRAKASH D. NAIK, JJ.

DATE : 19th April 2018

PC :

1. The petitioner has approached this Court seeking Writ of Mandamus seeking appointment of the petitioner on compassionate ground.

2. It is the submission of the petitioner that petitioner's father was in the employment of respondent no.1 and died due to heart attack in the year 1990. It is submitted that after a period of five years, the petitioner applied for compassionate appointment. It was denied. Hence, this petition.

3. It has been consistently held by Their Lordships of Hon'ble Supreme Court that provision of compassionate appointment is to help the members of family to over come the difficulty arising out of sudden death and/or serious ailment of the bread earner. Such a difficulty cannot be said to be existing after a period of twenty six years.

4. Apart from that, the petition is filed in the year 2014 and the same is also not diligently prosecuted. In that view of the matter, we do not find that a case is made out to exercise extraordinary, equitable and discretionary jurisdiction under Article 226 of the Constitution of India. The petition is rejected.

(PRAKASH D. NAIK, J.)

(B.R.GAVAI, J.)

MST