

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

23 WRIT PETITION NO.5188 OF 2018

NAVNATH LAXMAN THAKUR ..PETITIONER

VERSUS

THE UNION OF INDIA AND OTHERS ..RESPONDENTS

...

Mr. Vinayak Sudhakar Bedre, Advocate for the Petitioner.

Mrs. P. V. Diggikar, AGP for Respondents-State.

Mr. D. G. Nagode, Advocate for Respondent Nos.1 to 3.

...

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 05th FEBRUARY, 2019.

PER COURT:-

1. The petitioner seeks appointment on compassionate ground on account of death of his father while in service with respondents.

2. Mr. Bedre, learned counsel for the petitioner submits that the petitioner is illiterate person. The form was filled in by another person. He was not aware about the facts to be disclosed. The nondisclosure of the criminal case filed against the petitioner was not intentional one. However, as the petitioner was not aware of the same nor was proficient in English language, the petitioner could not understand the

efficacy of supplying the information. The petitioner is subsequently acquitted in the said case. According to the learned counsel, the said fact would not be relevant for discarding the case of the petitioner seeking appointment on compassionate ground.

3. Mr. Nagode, learned counsel for respondents submits that the petitioner and his family possesses immovable property. The deliberate suppression of fact on the part of the petitioner also dis-entitles him. The petitioner was involved in the criminal case. The said fact was suppressed by the petitioner.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. The petitioner on 22.03.2011 was arrested for the offences punishable under Sections 295, 143, 147, 149, 507, 337 of the Indian Penal Code. The petitioner had applied for appointment on compassionate ground in the year 2011. Thereafter, the medical was done. The petitioner suppressed the fact of his arrest in the criminal case and the pendency of the criminal case. The petitioner is acquitted in November 2015. The fact of the criminal case filed against the petitioner and his arrest earlier came to the light upon the police

verification of the papers. It has also been brought on record that the petitioner and his family possesses immovable property. However in the rejoinder, the statement is made that he is residing in the rented premises, the same is also not correct.

6. In light of the above, no case is made out. Writ petition is dismissed. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE