

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

146 WRIT PETITION NO.6354 OF 2019

SHWETA DHANANJAY KALAMKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner :Mr A B Jagtap h/for
Mr Sapkal V D
AGP for Respondents State: Mr A B Chate
Advocate for Respondent No.3:Mr Amol Kokad h/f
Mr K U More

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATE : 24th September, 2019

ORDER:

1. The application seeking appointment on compassionate ground is rejected on the ground of delay. Mother of the petitioner died on 13.10.2004. Father of the petitioner, on behalf of the petitioner, made application on 24.10.2005 seeking appointment of the petitioner on compassionate ground. The Petitioner acquired age of majority in the year 2008. It appears that in 2009 i.e. 15.04.2009, the Chief Executive Officer Zilla, Parishad Anhedmagar directed the present petitioner to submit certain documents. Contention of the respondents is that documents were submitted and further correspondence took place between the petitioner and the respondents. Many times, communications were made on behalf of the petitioner by her father and the

documents were also submitted on behalf of the petitioner by her father.

2. Reliance is placed by the learned counsel for the respondents on the Govt Resolution dated 21.09.2017 to contend that application was not within limitation. The application was very much part of record with the respondents. The respondents considered the application of the petitioner filed through her father in the year 2004 by issuing communication to the petitioner in the year 2009. It will be too late in the day now for the respondents to contend that application of the petitioner was barred by limitation. The application was very much part of the record. The respondents have power to condone the delay of 2 years as per the said Govt. Resolution.

3. Considering the above, we set aside the impugned order. The respondent No.2 shall consider the application of the petitioner for appointment on compassionate ground on its own merits and shall not reject it on the ground that it was barred by limitation.

4. Decision shall be taken on the application for

appointment of the petitioner on compassionate ground on its own merits, preferably within four months.

5. Writ petition is accordingly disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC