

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

WRIT PETITION NO. 10740 OF 2018

Vandana Nitin Chavan

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Mukul S. Kulkarni, Advocate for the Petitioner.

Shri A. B. Chate, A.G.P. for the Respondent No. 1.

Shri N. N. Desale, Advocate for the Respondent No. 2.

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

DATE : 20TH MARCH, 2019.

FINAL ORDER :

. Mr. Kulkarni, the learned counsel submits that, the husband of the petitioner died on 12.11.2009 while in service with the respondent No. 2. The name of the petitioner was kept in the wait list. The respondent No. 2 did not maintain the seniority list as laid down. Mr. Kulkarni, the learned counsel further submits that, though the seniority list was maintained regarding appointments on compassionate ground, the respondent No. 2 appointed those persons who were not in the seniority list thereby adversely affecting the claim of the petitioner. The learned counsel submits that, the Government Resolution dated 21.09.2017 would not apply to the petitioner as

the same is specifically mentioned in annexure A Clause 2 of the said G. R. According to the learned counsel because of the fault on the part of the respondent No. 2, the rights of the petitioner are affected.

2. We have heard, the learned counsel for the Zilla Parishad also.

3. The petitioner is seeking appointment on compassionate ground on death of her husband way back in the year 2009. The petitioner has crossed age of 45 years. The claim for compassionate appointment cannot be considered in perpetuity. As the petitioner has crossed age of 45 years, it would not be possible to consider the case of the petitioner. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb / March 19