

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

**89 WRIT PETITION NO.7498 OF 2019
WITH CA/12044/2019 IN WP/7498/2019**

HIRABAI PRALHAD PATIL AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Vinod Prakash Patil, Advocate for the
Petitioners.

Mr. S. B. Yawalkar, AGP for Respondents-State.

Mr. Ajay G. Talhar, Advocate for Respondent No.3.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 12th FEBRUARY, 2020.

PER COURT:-

1. The application filed by petitioners for appointment on compassionate ground is rejected.

2. Mr. Patil, learned counsel for petitioners submits that the husband of petitioner no.1 died on 07.08.2001. Immediately within 18 days petitioner no.1 applied for appointment on compassionate ground. The respondents in the year 2006 rejected the claim on totally untenable ground. They relied on the Government Resolution dated 28.03.2001. The petitioner has three children from the wedlock. All three children are born before 28.03.2001, as such Notification does not apply to petitioners.

3. The learned counsel submits that subsequently an application is given for giving employment to the daughter of the petitioner, the same is also not considered. Again application was given for the employment of petitioner no.2 in the year 2013, the same is also not considered. Only assurances were given to petitioners.

4. According to Mr. Talhar, learned counsel for respondents, petitioner no.2 is running medical shop of his own. Petitioner no.1 has donated amount of Rs.1,91,000/- to the community. The petitioners hold agricultural land, so also Non-Agricultural Plots. The claim of petitioner no.1 was already rejected in the year 2006.

5. Mr. Patil, learned counsel submits that the donation is by the petitioner no.1 and all her sisters as per wish of her father and the agricultural land of small holding of 6R and 19R land. The petitioner no.1 has got land from her father. The medical shop of petitioner no.2 is also not doing good business.

6. The purpose for appointment on compassionate ground is to provide immediate succor to the family of deceased dying in harness. The husband of petitioner no.1 died on 07.08.2001. The claim of the petitioner no.1 was already rejected in the year 2006. The same was not assailed at any point of time and for the first time the petition

is filed in the year 2019. After such a long slumber, the purpose of compassionate appointment would not survive. Moreover, petitioner no.2 is running medical shop.

7. Considering all the aforesaid conspectus, it will not be possible for this Court to pass any order in the present petition. It is for the management to consider the case of the candidate applying on compassionate ground.

8. With the aforesaid observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE