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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 880 OF 2020

Chandrashekhar Jayantilal Gujrathi ..Petitioner
vs.
The State of Maharashtra & ors. ..Respondents

.....
Mr. Sandesh Deshpande for the petitioner.
Ms. M.P. Srivastava, AGP for respondents.
.....

**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 3 FEBRUARY 2020

P.C.:-

The Petitioner has challenged the communication dated 7 May 2019 by which the Petitioner's name from the waiting list to be appointed on compassionate basis has been struck off.

2. The Petitioner had applied to the Respondents on the ground that his mother, working with the Respondents as a Nurse had passed away and he should be appointed on the said post on compassionate basis. The Petitioner's application was listed on the waiting list at Serial No.23. The Respondents have a waiting list and then the candidates are appointed as per the waiting list. Due to the non availability of the posts, a waiting list is prepared. While

the application of the Petitioner was pending, the Petitioner crossed the age of 45 making him ineligible for appointment that being the minimum age for entry in the service. This is a uniform decision and nothing is shown to us that the Petitioner is singled out.

3. The claim of the Petitioner for compassionate basis is of the year 2009. The Petitioner is seeking the appointment as on today in the year 2020. The object of providing appointments on compassionate basis is also have to be kept in mind while considering issuance of a writ as of today. It is not shown to us that the action is in breach of any statutory rule. On basis of mere sympathy such a writ cannot be issued. The Petitioner has become age barred. The Writ Petition cannot be entertained and is rejected.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)

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