

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12638 OF 2015

Mahesh Chandrakant Tarakasband. ... Petitioner.

V/s.

Th Registrar,

The Principal District & Sessions Judge,

District Court Compound at Solapur & others. ... Respondents.

Mr.Anand S. Kulkarni for the Petitioner.

CORAM : NITIN JAMDAR AND
M.S. KARNIK, JJ.

DATE : 6 February 2020.

P.C. :

By this petition, the Petitioner has challenged the order passed by the Respondent No.1 refusing to appoint him on compassionate basis and also seeking a direction to the Respondents to allow the claim of the Petitioner for appointment on compassionate basis as per the representation made on 22 October 2012.

2. Petitioner's father was working as a Junior Clerk in the Sessions Court at Pandharpur. He expired on 7 August 1992. At

that time, the Petitioner was minor. The Petitioner's mother made an application that the children are minor. Thereafter, when the Petitioner became major, he filed an application on 22 October 2012 for appointment on compassionate basis.

3. Guidelines, namely, the Bombay High Court Revised Guidelines for Appointment on Compassionate Ground, 2007 have been framed in respect of compassionate appointment. The eligibility of the candidate is specified in Guideline No.7. Guideline No.10 lays down limitation for making application/representation for appointment on compassionate ground which is within one year after the death of the employee. Discretion is given to the learned Chief Justice to extend the period up to two years. It is the contention of the learned counsel for the Petitioner that since the Petitioner was minor and could not apply till he attained the age of 18 years, the period prescribed in Guideline No.10 be extended. In the present case the extension sought is of 10 years.

4. The Petitioner's contention cannot be accepted. Firstly, there is no such extension provided under the guidelines. Secondly, it has not been so provided because it would be contrary to the very object of the compassionate appointment. Appointment on compassionate basis is made to help the family of the deceased Government servant to tide over of sudden crisis. It does not give any vested right in perpetuity unless the Rule specifies so. In the present case, it is after a gap of 10 years that the appointment on

compassionate basis is sought. Even though the Respondent may have quoted an incorrect rule while rejecting the representation, that would not assist the Petitioner in getting writ against the Respondent No.1 to appoint the Petitioner in service.

5. Writ petition cannot be entertained. It is, accordingly, rejected.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)