

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 WRIT PETITION NO.384 OF 2014

SMT. JYOTI WD/O. VIJAY PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for petitioner : Mr. N.L. Choudhari
AGP for Respondent nos. 1 and 2 : Mr. S.G. Sangale
...

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 13TH DECEMBER 2021

PC :

1. We have heard the learned counsel for the respective appearing parties. Despite two notices issued by this Court, the latter being a final disposal notice, respondent nos. 3 and 4 – Education Society and the Head Master, have chosen to remain absent.

2. From the pleadings set out in the petition and the sequence of events, we can gather the following aspects :-

(a) The husband of the petitioner, namely, Vijay Patil was a Peon and he died on 08-01-2004.

(b) The petitioner – widow moved an application on 27-06-2005, which is about 6 months and 19 days delayed beyond the limitation of one year.

(c) She moved another application on 31-01-2013.

(d) On 16-02-2013, the Education Department rejected the application on the ground that application for compassionate appointment was beyond limitation.

3. The following facts, therefore, emerge :

(a) It is almost 18 years post the death of the petitioner's husband on 08-01-2004.

(b) The law has been crystallized by the Honourable Apex Court that compassionate appointment is aimed at providing immediate succour to the bereaved family and passage of long duration would nullify the requirements of compassionate appointment.

(c) The age of the petitioner is stated to be 32 years when she has filed this petition and her date of birth is not mentioned.

(d) Today, she is around 40 years of age.

5. Considering the above, we find that the claim of compassionate appointment would be rendered purposeless, if we were to grant such appointment after 18 years of the death of the bread-earner. As such, this petition being devoid of merits, is dismissed.

[S.G. MEHARE, J.]

[RAVINDRA V. GHUGE, J.]

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