

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

944 WRIT PETITION NO.14180 OF 2021

GIRISHKUMAR PRABHAKAR JADHAV
LATE PRABHAKAR SHYAMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.N.B.Jadhav
AGP for Respondent-State : Mr.K.N.Lokhande

...
**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 16.12.2021

P.C. :

1] The claim of the petitioner on compassionate ground is rejected. The petitioner filed Original Application before the Maharashtra Administrative Tribunal. The Tribunal dismissed the Original Application. Aggrieved thereby, the present Writ Petition is filed.

2] Mr.Jadhav, learned counsel for the petitioner submits that only on the ground of delay, the claim of the petitioner has been negated. The petitioner, upon attaining the age of majority, immediately submitted an application seeking appointment on compassionate ground. Respondent no.4, in stead of considering the application of the petitioner, in the year 2008 informed the mother of the petitioner that she has crossed 40 years of age and as such

she is not entitled for job on compassionate ground and her name is deleted from the waiting list. Learned counsel submits that the scheme for compassionate appointment is a beneficial scheme, that will have liberally interpreted. Only on the ground of minor delay, the claim ought not to have been negated. The Tribunal has also rejected the application on the ground of delay

3] We have heard learned AGP.

4] The Tribunal had dismissed the Original Application filed by the petitioner on merits under order dated 11.11.2009. The said order is assailed after lapse of 12 years by filing present Writ Petition. This itself is sufficient to imply that the petitioner may not be in need of service.

5] Be that as it may, the facts of the present case does not entail any discretionary relief.

6] The father of the petitioner died in the year 1997. Mother of the petitioner applied for appointment on compassionate ground. In December, 2003 appointment letter was issued to the mother of the petitioner, however, she did not join. The petitioner, thereafter, applied in the year 2008, seeking appointment on compassionate ground. The person in need of service would pounce on the job

opportunity and join service upon receiving the letter of appointment. The mother of the petitioner did not accept the appointment order given to her on compassionate ground in the year 2003 and thereafter the petitioner applied in the year 2008. The said claim was negated in 2009. The Original Application bearing No.1081 of 2009 filed by the petitioner is rejected on 11.11.2009. For 12 years, the petitioner did not assail the said order and Writ Petition is filed belatedly after lapse of 12 years.

7] All the aforesaid facts would dis-entitle the petitioner for the relief.

8] In view of that, the Writ Petition is disposed of.
No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC