

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

3 WRIT PETITION NO.1900 OF 2022

**JAYRAM KERBA SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr.Kanade Angad L.
AGP for Respondents-State : Mr.S.K.Tambe

...

**CORAM : R. D. DHANUKA, &
ANIL L. PANSARE, JJ.**

DATE : 06th JUNE, 2022.

PER COURT :

1. By this petition filed under Article 226 of the Constitution of India the petitioner has prayed for 'writ of mandamus' for issuance of an appointment order in favour of the petitioner for the post of 'Clearing Worker' on compassionate ground under the resolution dated 11th November 2015, issued by the Social Justice and Special Assistance Department, Maharashtra State, Mantralaya Mumbai. The father of the petitioner was working as 'Clearing Worker' with the Municipal Council, Beed, who retired from the said post on 28.02.2019. The petitioner applied for the appointment on the said post on 24th September, 2020 i.e. after expiry of one year from the date of retirement of the father of the petitioner from said post.

2. Learned counsel for the petitioner invited our attention to

the Government Resolution annexed to Exhibit 'C' of this petition and submits that his client would be eligible to apply for appointment on the said post, which was occupied by the father of the petitioner as 'Clearing Worker'.

3. Learned AGP for the respondent-State vehemently submitted that even if the Government Resolution dated 10th November, 2015 is made applicable to the facts of this case the application was on compassionate basis not having been made by the petitioner within one year from the date of retirement of his father, no such appointment could be made.

4. Learned counsel for the petitioner could not dispute the position that the application for appointment on compassionate ground under the said Government Resolution dated 10th November, 2015, could be made only within one year from the date of retirement of father of the petitioner which was not made within time.

5. In view of this admitted facts, in our view even if the said Resolution dated 10th November, 2015 is made applicable to the facts of this case, the petitioner not having applied within one year from the date of retirement of his father, the petitioner cannot get the job on basis of such Government Resolution dated 10th November, 2015. Therefore, the Writ Petition is devoid of merit and is accordingly dismissed.

6. No order as to costs.

(ANIL L. PANSARE)
JUDGE

(R.D.DHANUKA)
JUDGE

mahajansb/