

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5678 OF 2022

SHAIKH SOHAIL ASIF
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Petitioner : Shri Solanke Shikrashna B.
AGP for Respondent 1/ State : Shri S.K. Tambe
...

CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.

DATE :- 22nd June, 2022

Per Court :-

1. The petitioner, an 18 years old student, born on 21.02.2003, has put forth prayer clause B as under :-

“B) By issuing writ of certiorari or any other writ, order or directions in the like nature, this Hon’ble Court may be pleased to quash and set aside the impugned letter dated 07.12.2021 issued by the respondent No.2 and further be pleased to direct the respondent No.2 to issue an appointment order in favour of petitioner on any vacant post, on the compassionate ground within stipulated period and for that purpose issue necessary orders;”

2. The learned advocate for the petitioner has strenuously canvassed that his mother, who is a teacher in the

Zilla Parishad School at Ahmednagar, is not taking care of him. He, therefore, has no means of livelihood. He prays for compassionate appointment in place of his father, who passed away on 15.04.2021 while being in service with the Municipal Corporation at Ahmednagar.

3. We have considered the submissions of the learned advocate for the petitioner and the learned AGP on behalf of the respondents/ State.

4. The learned AGP points out that as the mother of the petitioner is in service of the Zilla Parishad and the petitioner claims compassionate appointment in service of the Municipal Corporation, the very purpose of granting compassionate appointment is lost. The compassionate appointment is granted in order to render urgent financial support to the family, which has lost it's sole bread earner. He points out that the petitioner is the youngest amongst the two siblings, which is visible from the orange ration card indicating four family members as being the beneficiaries of such ration card. Common address is mentioned in the said card for the whole family.

5. The learned advocate for the petitioner submits that page 58 is a separate ration card showing the different address of

the mother, but the same does not carry the date of issuance of the card. It also does not mention the monthly or yearly earnings of the mother. Another ration card, which carries the address of the deceased father, is also pointed out to suggest that the petitioner was residing with the deceased father.

6. The learned advocate for the petitioner submits that the petitioner cannot make a statement whether, his father and mother had separated, whether, they had applied for divorce, whether, his sister resides elsewhere because she is elder to him and her name is neither shown in the ration card of the mother nor her father.

7. Having considered the record placed before us, we are unable to be persuaded to rely on such record. In view of the above, this Writ Petition, being devoid of merit, is dismissed.

kps

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)