

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

WRIT PETITION NO.4952 OF 2017

Virbhadreshwar Mallayya Swami
Age : 24 years, Occu: Nil
R/o. Hasori (bu). Tq. Nilanga
Dist. Latur

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through its Secretary,
Education Department,
Mantralaya, Mumbai.
2. The District Collector, Latur,
Collector Office Latur.
3. Divisional Director of Education
Latur Division Latur.
4. The Chief Executive Officer,
Zilla Parishad Latur,
5. The Education Officer (Secondary)
Zilla Parishad Latur,
6. The President/Secretary,
Navtarun Dnyan Prasarak Mandal,
Hasori (Bu) Tq. Nilanga. Dist. Latur.
7. The Head Master
Lal Bahadur Shastri Vidyalaya,
Hasori (Bu) Tq. Nilanga. Dist. Latur.

... **RESPONDENTS**

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Advocate for Petitioner : Mr. Estling S. Murge
AGP for Respondents: Ms. V.N. Patil Jadhav
Advocate for Respondent Nos.6 and 7 : Mr. V.D. Gunale

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**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 17.08.2022

ORAL ORDER : (MANGESH S. PATIL, J.)

Heard. Rule. Rule is made returnable forthwith. At the joint request of the parties, the matter is heard finally at the stage of admission.

2. The petitioner is seeking compassionate appointment in the respondent No.7 School.

3. The father of the petitioner was serving with the respondent School and died on 20.09.2010. According to the petitioner his mother applied for the appointment on compassionate ground for the first time by her communication dated 09.12.2010. Since thereafter she constantly made persuasion but in vain. Lastly, by the communication dated 19.03.2016 the respondent No.7 School has denied to accommodate the petitioner on the ground of absence of a vacancy.

4. It is to be borne in mind that the petitioner is seeking appointment on compassionate ground. There is purpose for having such a concession. An employee who dies in harness leaves behind him his dependents. As an immediate succor and with a view that the family should not face starvation the appointment on compassionate grounds can be made.

5. Though the petitioner's father died in the year 2010, the petition has been filed in the year 2017. Besides, in her initial request by the communication dated 09.12.2010 the petitioner's mother merely expressed that there was no earning member and the appointment be given to her son without indicating as to for which of the three sons she was

seeking the appointment. It appears that subsequently, by a further communication dated 14.08.2012 she sought the employment for the petitioner on compassionate ground. Though the petitioner is now stated to be 24 years of age, at no point of time he himself seems to have approached the respondent No.7 School making any request for appointment immediately after he had attained the majority.

6. According to us there is an inordinate delay in approaching this Court seeking a discretionary relief.

7. The learned advocate for the petitioner would submit that the petitioner is ready to be accommodated at any post. Pertinently, in the prayer he is seeking appointment on compassionate ground commensurate with his educational qualification of H.S.C. D.Ed. and apparently he is aspiring to become an assistant teacher. In the affidavit in reply as also in the communication dated 19.03.2016 it has been specifically informed by the respondent No.7 Management to the respondent Education Officer regarding absence of any vacancy. Rather it has also been informed that there is a surplus teacher.

8. Considering all the aforementioned state of affairs, in our view the petitioner is not entitled to the relief. The Writ Petition is dismissed.

9. The Rule is discharged.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)