

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

WRIT PETITION NO. 168 OF 2022

Laxmibai Eknath Waghmare

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. K. Mathpati, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

Mr. S. B. Pulkundwar, Advocate for Respondent Nos. 3 and 4.

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

DATED : 16th FEBRUARY 2022.

PER COURT:-

. The name of the petitioner is removed from the seniority list of the persons to be appointed on compassionate ground.

2. Mr. Mathpati, learned counsel for the petitioner submits that the petitioner had applied for appointment on compassionate ground upon death of her husband immediately within a period of one year. The name of the petitioner was included in the wait list of the persons to be appointed on compassionate ground. The said list is continued in the year 2015 also. In the year 2017, abruptly the name of the petitioner was deleted from the wait list. The petitioner at the relevant time was only 43 years of age. The age limit to appoint the person on

compassionate ground is 45 years. The petitioner is not at fault. The respondents be directed to give appointment to the petitioner on compassionate ground and/or in alternate the son of the petitioner be considered for the appointment.

3. When the petition was filed in the year 2020, admittedly the petitioner had crossed 45 years of age.

4. The appointment on compassionate ground cannot be claimed as a matter of right. More than seven years have lapsed upon death of husband of the petitioner. The name of the petitioner even according to the petitioner was deleted in the year 2017. The said order is assailed in July 2020. The matter was under objection and the matter was proceeded on 25.11.2021 and the same appears to have been circulated for admission on 14.02.2022. Be that as it may, admittedly the petitioner is now more than 47 years of age. The petitioner cannot be considered for appointment on compassionate ground. Even the petitioner also did not assail the deletion of her name from the wait list in the year 2017 for more than three years.

5. Considering the aforesaid aspects, no case for interference is made out. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.