

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

53 WRIT PETITION NO.8534 OF 2022

**SHASHIKALA SHUBHAS WALUNJE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Advocate for Petitioner: Mr. Shejwal Arun S
AGP for Respondent/State: Mr. S. G. Sangle

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**CORAM: RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE: 23rd AUGUST, 2022

PER COURT:

1. This Petition is bereft of personal details, though the claim of the Petitioner is that she should be appointed on compassionate basis in place of her father who passed away on 30.08.1996, after 26 years.

2. The Petitioner's father was an employee of MSEDCL as a Line Helper, having joined on 04.03.1972. He passed away on 30.08.1996. The Petitioner was already married and was in the company of her husband. The date of birth of the Petitioner is not disclosed. It is stated that she is 45 years, in the title of the Petition. The Petitioner was before the learned 11th Joint Civil Judge Senior Division, Aurangabad when she

moved an application M.A.R.J.I. No.975/2018 alongwith her 2 married sisters, seeking Heirship Certificate. Her age was shown to be 45 years in 2018. Another married sister Kusumbai is shown to be aged 50 years and the 3rd sibling Ashabai is shown to be aged 40 years.

3. The learned Advocate for the Petitioner canvassed that the Petitioner was the eldest daughter of the deceased Dagdu Bhivsan Nage. It is stated that the husband of the Petitioner also passed away on 17.11.2010. The Petitioner claims to have sought legal advise to put-forth an application for compassionate appointment and made such an application on 06.05.2021, which is 25 years after the demise of her father. It is also conceded that the proposal of the Petitioner earlier moved on 26.03.1999, was rejected on 03.06.1999, on the ground that she is a married daughter. The 'No objection' statement of her elder and younger sister, is not available.

4. By this Petition, which appears to have been filed in December 2021 (since there is no date anywhere on the Petition memo, besides the signature of the learned Advocate or on the verification clause or the stamp of the Notary, before whom the Petitioner had been administered oath).

5. The Petitioner herself is 49 years of age today and, therefore, barred by the age criteria. Her earlier application was rejected on 03.06.1999, which has not been challenged. A fresh application has been filed on 06.05.2021, which is after 25 years of the demise of the father.

6. In these circumstances, we would not invoke our writ jurisdiction to entertain a Petition for grant of compassionate appointment after 26 years, after the demise of the bread earner and more so, when the Petitioner herself is 49 years of age and barred by the age qualification.

7. As such, this Petition is dismissed.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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