

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

1024 WRIT PETITION NO.7882 OF 2022

**YASMIN RAJJAK SHAIKH
VERSUS
EXECUTIVE ENGINEER RURAL MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION CO. LTD. MSEDCL AND OTHERS**

...
Advocate for Petitioner : Mr. R. P. Karhadkar
...

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

DATED : JULY 29, 2022.

PER COURT :

1. The petitioner has put forth prayer clause 'A' as under :-

A] That this Hon'ble Court may kindly be pleased to issue a Writ of Certiorari or Mandamus or a Writ in the nature of Certiorari or mandamus or any other appropriate writ, order or direction as this Hon'ble Court deems fit under circumstances so as to meet ends of justice and the Hon'ble Court may call for the records pertaining to the claim of the Petitioner seeking employment on compassionate grounds in the service of the deceased Father of the Petitioner and the claim of the Petitioner be decided without any delay; and for that purpose issue necessary directions as this Hon'ble Court deems fit under the circumstances.

2. Having considered the submissions of the learned advocate for the petitioner, we find that the following factors are relevant :-

- (a) The petitioner is the daughter of Razzak Babumia Shaikh.
- (b) The mother of the petitioner married Razzak Shaikh.

- (c) On 20.3.1991, the marriage between the petitioner's mother and the petitioner's father was dissolved by entering into consent terms filed in Miscellaneous Criminal Application No. 109/1990 before the learned Judicial Magistrate, First Class, Kopergaon.
- (d) After more than eight years, Razzak Shaikh passed away in an accident on 29.5.1999, while being in the service of respondent no. 1 – company.
- (e) The petitioner has an elder sister and these two siblings were born out of the wedlock of their mother with Razzak Shaikh.
- (f) It is stated in the petition that the petitioner acquired good college education under guardianship of her mother.
- (g) Razzak Shaikh married for the second time and has several children born from the said wedlock.
- (h) No statement is made in the petition, as to whether the petitioner, who is a 35 years old lady, is married or not.
- (i) No statement is made in the petition that the mother of the petitioner was dependent on Razzak Shaikh, even after the judicial separation and dissolution of the marriage, for the period of more than eight years or till he passed away.

- (j) One of the children of Razzak Shaikh has already applied for compassionate appointment.
- (k) Twenty three years have passed after the demise of Razzak Shaikh and the petitioner, who is herself a 35 years old lady, claims compassionate appointment.

3. Considering the above factors, we find that the object of granting compassionate appointment, to render immediate succour to the bereaved family who has suddenly lost the bread earner and were dependent upon him, would be defeated, if the claim of a person is entertained after 23 years of the demise and that too, without there being any evidence that the petitioner, her mother and elder sister were dependent upon the deceased father, even after the marriage was legally dissolved.

4. In view of the above, we are unable to exercise our writ jurisdiction in this matter and the review petition is, therefore, dismissed.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/