

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

38 WRIT PETITION NO.13389 OF 2019

**SEEMA GAUTAM KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Deshpande Ram B.
AGP for Respondent No. 1 : Mrs. M.A. Deshpande
Advocate for Respondent Nos. 3 & 4 : Mr. Sabnis Ameya N.

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

DATE : 17.08.2022.

PER COURT : (PER SANDEEP V. MARNE, J.)

We have heard both the sides.

2. By way of present petition, the petitioner is seeking appointment on compassionate ground in place of her husband who was working as a Special Teacher in respondent Nos. 3 and 4's school and who died in harness on 20.12.2006. The petitioner claims to have made an application for compassionate appointment on 08.01.2007. It appears that the petitioner was appointed on honorary basis as a teacher on 15.01.2007 and continued to work as such till 2018.

3. Apart from the fact that a period of 15 long years has elapsed from the death of the employee, there is another difficulty that the petitioner faces in the present case. In the year 2012, the management had issued an advertisement for filling of six vacant posts of Special Teacher in the school. At that time petitioner's application for compassionate appointment was pending. Rather than approaching the court to press her claim for compassionate appointment, she applied in pursuance of the said

advertisement and participated in the selection process for direct recruitment on the post of Special Teacher. She was unsuccessful in the selection process and could not be appointed. To make things worse, another direct recruitment process was undertaken by the respondent school management on 24.11.2018 when two posts of Special Teacher were advertised. Again the petitioner participated in the selection process and was unsuccessful in the same. The petitioner thus took two chances of being appointed by way of direct recruitment in the respondent- school and being unsuccessful in such attempts, has filed present petition to press her claim for compassionate appointment.

4. Thus upon cumulative consideration of three factors of passage of 15 long years from death of the employee, petitioner working on honorarium basis from 2007 to 2018 and her participation twice in direct recruitment process without raising any demur we are of the view that no case is made out by the petitioner for grant of compassionate appointment.

5. In the circumstances, we cannot issue any direction to the respondent-school management to consider the case of petitioner on compassionate appointment.

6. The Writ Petition is rejected. No costs.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-