

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4579 OF 2021

Khandappa Aappasha Mhetre ... Petitioner.
V/s.

Mallokarjun Shikshan Prasarak Mandal,
through Chairman & Others ... Respondents.

Mr. I.M. Khairdi, for the Petitioner.

Mr. N.K. Rajpurohit, AGP, for the Respondent-State.

**CORAM : NITIN JAMDAR AND
AMIT B. BORKAR, JJ.**

**DATE : 6 JANUARY 2022.
(Through Video Conferencing)**

P.C. :

The Petitioner is seeking compassionate appointment in place of his father who was appointed as a peon in the Respondent No. 2 – school run by the Respondent No. 1 – Institution.

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2. The father of the Petitioner expired on 12 November 2009. The Petitioner made an application to be appointed on compassionate basis. Thereafter filed Writ Petition No. 6870 of 2010 which was decided by a Division Bench of this Court on 8 April 2011 directing Respondent Nos. 1 and 2 to consider the representation of the Petitioner dated 27 January 2010 within four weeks. No steps

were taken by the Respondent – Management neither by the Petitioner thereafter till filing of this Petition in September 2020.

3. The learned Counsel for the Petitioner submitted that the Respondent - Management was under duty to decide the representation. Also the Petitioner was told that the Petitioner's appointment on compassionate basis cannot be considered because there is a ban on recruitment which the Petitioner believed.

4. We have to keep in mind the object of appointments on compassionate basis which is to assist the family of the deceased employee which tide over the sudden hardship that falls on the family. In that context, the delay in asserting these rights are of relevance. From 2011 onwards till the year 2020 when the Petition is filed for almost a decade the Petitioner did not act on this right. This conduct of the Petitioner cannot be over-looked in the context of the object of compassionate appointments.

5. Considering these facts, a writ cannot be issued at this stage to direct the Respondent Nos. 1 and 2 to appoint the Petitioner on compassionate basis as regards the death of the father of the Petitioner in November 2009. The Writ Petition is accordingly disposed of.

(AMIT B. BORKAR, J.)

(NITIN JAMDAR, J.)