

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.925/2020

Pradnya Prakashrao Chaware (After Marriage),
Pradnya wd/o Yashwant Khobragade,
aged about 35 years, Occ. Nil, r/o L.I.G.
Quarter No.8/4, Nandanwan Colony,
Hasanbagh Road, Nagpur. **.....PETITIONER**

...V E R S U S...

1. The State of Maharashtra through
its Commissioner at Department of Health,
Mantralaya, Mumbai-32.
2. Chief Executive Officer, Zilla Parishad,
Bhandara.
3. District Health Officer, Zilla Parishad,
Bhandara. **...RESPONDENTS**

Mr. K. C. Deogade, Advocate for petitioner.
Mrs. K. S. Joshi, Addl. G.P. for respondent nos. 1 and 3.
Mr. R. S. Khobragade, Advocate for respondent nos. 2 and 3.

CORAM:- SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.
DATED :- 19.10.2022

ORAL JUDGMENT (Per: Sunil B. Shukre, J.)

Rule. Rule is made returnable forthwith. Heard finally
by consent of learned counsel for the parties.

2. Death of the sole bread winner of the family,
Yashwant Khobragade, who was working as Arogya Sewak with

respondent nos.2 and 3, had occurred on 02.06.2006 while he was still in service. The death was sudden, unexpected and traumatic for the family of the petitioner, throwing the family of the petitioner into untoward financial crisis. However, today, we are in October-2022, i.e. almost after 16 years of the death. Thus, the long passage of time since the death of the husband of the petitioner, as per the settled law, has itself extinguished the need for seeking the compassionate appointment, by making exception to the general rule of recruitment by open invitation, in consonance with the principles of equality, reasonableness and fairness, as reflected in the Articles 14 and 21 of the Constitution of India. This has also led to the right of the petitioner to be considered for being appointed on compassionate ground as no longer surviving. Therefore, we find that there is no merit in the petition.

3. The writ petition is dismissed.

Rule is discharged. No order as to costs.

(Anil L. Pansare, J.)

(Sunil B. Shukre, J.)