

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

**WRIT PETITION NO. 6343 OF 2022**

Vaishali Wd/o Chandu Zode (maiden name Gita d/o Zibalrao Bhiogade)

..VS..

State o

f Maharashtra and another

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. Kamal Gour, Advocate for petitioner.

Mrs. N.P. Mehta, Assistant Government Pleader for respondent  
No.1.

**CORAM : SUNIL B. SHUKRE AND**  
**ANIL L. PANSARE, JJ.**

**DATED : 10.11.2022**

Heard Mr. Gour, learned counsel for the petitioner  
and Mrs. Mehta, learned Assistant Government Pleader  
for respondent No.1.

2. The submission is that, the petitioner had made an application for grant of compassionate appointment dated 06.05.2014 and that was the time when the petitioner not having crossed the upper age limit was eligible for being given compassionate appointment. But, the application of the petitioner was kept pending for a long period of time and recently i.e. on 09.02.2021 the petitioner was informed that she had crossed the upper age limit of 45 years and, therefore, she was ineligible for being considered for compassionate appointment, which is something illegal.

3. It is also submitted that if the application of the petitioner was not decided for a period of about seven years and during this period of time, the petitioner crossed the upper age limit, the petitioner cannot be punished for the same. The learned counsel for the petitioner submits that it was the fault of the employer in not considering and granting the application of the petitioner well within time and if the employer has not done so, the employer now cannot say that the petitioner is not eligible for getting any compassionate appointment.

4. As a matter of principle, we cannot go against the proposition that for the fault of others, a widow like the petitioner cannot be made to suffer. But, it has to be borne in mind that the law governing the field of compassionate appointment works on different principle and for different purpose and object. The principle is that the compassionate appointment is an exception to the general principle of recruitment in public office by open invitation and fair competition and, therefore, such exception must be made only when a particular object and given purpose is being achieved thereby. The object or purpose of compassionate appointment is to enable a widow or family member of the bereaved family to tide over the financial crisis visiting it after sudden and unfortunate demise of the sole bread winner of the family. The financial need of the family remains alive only for a certain period of time and as the time passes over, the need starts diminishing. So, ultimately, the

issue of compassionate appointment has to be decided from the perspective of the kind of help and nature of succor that it is going to bring to the family. This is the consistent view taken by the Supreme Court in its several judgments, which have been considered in detail by this Court in the case of *Smt. Rekha wd/o Gjanan Nandanwar and Another Vs. The State of Maharashtra and others, Writ Petition No. 5078 of 2018*, decided on 11.10.2022.

5. Applying the above referred law to the present case, we find that the financial need of the family of the petitioner has been extinguished by passage of long period of time which is more than eight years after the death of husband of the petitioner. The husband of the petitioner died in harness on 22.08.2013 and the family of the petitioner has managed to survive for all these eight years and more. Then, the petitioner had learnt about rejection of her application for compassionate appointment on 09.02.2021 and that she had also sent a notice through her Advocate Mr. M.K. Deshmukh, to the respondents calling upon respondents to reconsider their decision. The request made in the notice issued by the petitioner was rejected by the respondents on 01.06.2021. After 01.06.2021, the petitioner did not take any steps for questioning the impugned decision and the petitioner filed this petition almost after more than one year from the rejection of her claim of compassionate appointment. This fact also shows that the petitioner is not in any immediate need for compassionate appointment.

6. In the result, we find that this petition is devoid of any merit and it is dismissed accordingly.

**JUDGE**

**JUDGE**

*Kirtak*