

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

60 WRIT PETITION NO.1648 OF 2023

DINESH SUNDARRAO NALAVADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Shrimant Mundhe
AGP for Respondents/State : Mr. S.G. Karlekar
Advocate for R/2 & 3 : Mr. U.B. Bondar
...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 13th February, 2023

PC. :-

1. The petitioner is 39 years of age. He is married. He has children. His father passed away as a Primary Teacher on 18.09.1995. His mother moved an application for compassionate appointment. The same was not considered. The petitioner filed a representation dated 18.11.2022 and prays that his claim, in place of his mother, for compassionate appointment in service with the Zilla Parishad, Aurangabad may be considered.

2. The Hon'ble Supreme Court has held in **Fertilizers and Chemicals Travancore Ltd. & Ors. V/s. Anusree K.B.; 2022 SCC OnLine SC 1331, Archana and Others V/s. Maharashtra Gramin Bank; 2021 DGLS (Bom.) 2472** and in the case of **Ahmednagar Mahanagarpalika V/s. Ahmednagar**

Mahanagarpalika Kamgar Union; 2022 III CLR 859, that compassionate appointment is not a right. While dealing with an application for compassionate appointment, it has to be seen as to whether the family is in pecuniary. Whether service benefits are made available to the family. Compassionate appointment is not an employment generated on account of the death of a person and that it is aimed at extending immediate financial assistance to the bereaved family.

3. In the present case, father of the petitioner has passed away on 18.09.1995. In these past 27 years, the family has survived. Three children of the deceased have grown up. The petitioner has got married and has children.

4. The petitioner desires that this Court should direct the Zilla Parishad, Aurangabad to consider his application for seeking compassionate appointment. This Court cannot issue a Writ of Mandamus in circumstances wherein no right accrues to the petitioner and in the peculiar facts of this case, a compassionate appointment to a person who is almost 40 years old and settled in life, cannot be granted under a Writ being issued by this Court.

5. In view of the above, we are not inclined to entertain this petition and the same is, therefore, dismissed.