

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

WRIT PETITION NO. 4344 OF 2023

Jayesh s/o Mukund Tambatkar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Jeevan R. Patil h/f Mr. S.D. Bhagwat – Advocate for the
petitioner

Mr. S. G. Karlekar – AGP for respondent/State

.....

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATED : 18th APRIL 2023

PER COURT : -

1. The petitioner is born on 02nd October, 1987. He became an adult on 02nd October, 2005. His father passed away on 18th June, 2001. His mother receives family pension even today. The petitioner is 35 years of age. He is married and has children.

2. The petitioner's mother had earlier applied for compassionate appointment. As she crossed 45 years of age, her name was not continued in the list. The petitioner is said to have filed an application for substituting his mother, belatedly by two months. Apparently, respondent no. 3 – Divisional Joint Registrar, Cooperative Societies, was unaware of the order passed by this Court in **Dnyaneshwar s/o Ramkishan Musane Versus The State of Maharashtra and others**, reported in 2020(5) M.L.J. 381, wherein it

has been concluded that clause 1 (C) of the Government Resolution dated 02nd May, 2015, was unsustainable since it prohibited replacing the name in the list of eligible candidates for compassionate appointment.

3. Nevertheless, it is now 22 years since the death of petitioner's father. The family sustains on the family pension. The petitioner is married and has a family. The Supreme Court has held in **Fertilizers and Chemicals Travancore Ltd. V. Anusree K. B.** reported in AIR 2022 SC 4766 and **The State of West Bengal Vs. Debabrata Tiwari and Ors.** reported in MANU/SC/0200/2023, that a compassionate appointment loses its significance after a long passage of time. We are, therefore, unable to entertain this petition since the petitioner's father passed away 22 years ago and for the reasons recorded in this order.

4. In view of the above, **this petition is dismissed.**

[SANJAY A. DESHMUKH]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE