

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5257 OF 2023

ANIKET SHIVAJI ARADHYE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

...
Advocate for Petitioner : Mr. Latange Vijay Prabhakar Rao
AGP for Respondent No.1/State: Mr. P. K. Lakhotiya
Advocate for Respondent Nos.2 & 3: Mr. P. D. Suryawanshi

...
CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.

DATE : 05.06.2023

PER COURT :

1. Heard the learned advocate for the petitioner, learned AGP for respondent No.1/State and the learned Advocate for respondent nos.2 and 3/Zilla Parishad.
2. The petitioner is seeking compassionate appointment on account of death of his stepmother.
3. When admittedly the deceased was not the biological mother of the petitioner and there is no blood relation *inter se*, he cannot be considered to be her heir. He would not be entitled to claim appointment on the ground of compassionate under the scheme as envisaged by the Government decision dated 21/09/2017, which defines the persons entitled to seek such appointment on compassionate ground. The word used therein to describe son/daughter will have to be interpreted as a son or a daughter related by blood and not otherwise.

4. Learned Advocate for the petitioner seeks to place reliance on the decision of the Supreme Court in the matter of **Mukesh Kumar & Another Vs. Union of India & Ors.** reported in **(2022) SCC Online SC 229**.

5. We have carefully gone through the decision and in our considered view, the reliance being placed by the learned Advocate is not proper. As can be seen, it was a matter of a claim for compassionate appointment by a son of the deceased through his second wife, meaning thereby that he was admittedly biological son of the deceased, which is not the fact situation in the matter in hand.

7. The petition is dismissed.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

Sameer