

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

WRIT PETITION NO. 8995 OF 2023

Pallavi D/o Eknath Bhand,
Age 23 years, Occ. Education,
R/o. Saroday Vasti, Juna Kangar Road,
Rahuri, Tq. Rahuri, Dist. Ahmednagar ... Petitioner

VERSUS

- 1) The State of Maharashtra
- 2) Chief Conservator of Forest (Territorial)
Office of Chief Conservator of Forest
Juna Mumbai Agra Road,
Trimbaknaka, Nashik.
- 3) Deputy Conservator of Forest
Van Bhavan, Aurangabad road,
Ahmednagar. ... Respondents

...
Advocate for the Petitioner : Mr. Mane Omprakash D. & Mane A.O.
A.G.P. for the Respondents/State : Mrs. M.A. Deshpande

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 26.07.2023

PER COURT :

Heard the learned advocate for the petitioner and the learned A.G.P.

2. The petitioner has been seeking appointment on compassionate ground with the respondent Nos. 2 and 3 in place of her deceased father who died in the year 2005.

3. She having attained the majority in the year 2016 submitted an application seeking compassionate appoint in December 2016. Her application was rejected by a communication dated 09.01.2017. She sought

to challenge that order of rejection by filing Original Application in the year 2022. However, since there was a delay of more than four years an application seeking condonation of delay was preferred and which has been dismissed on merits by the impugned order.

3. The learned advocate for the petitioner would submit that the petitioner was minor and could not make the application till she could attain majority. Even the order of rejection was passed when she was of a tender age and could not decide the further course. In the meantime, there was a pandemic and this cumulatively had the effect of causing the delay of four years. It was neither deliberate nor intentional. It is a matter of appointment on compassionate ground. A pragmatic view could have been taken by the Tribunal. The petitioner was not to gain anything by allowing her right to be lost by efflux of time.

4. Learned A.G.P supports the order.

5. We have carefully considered the submissions and perused the impugned order. As far as the dates are concerned, there is no dispute. There is also no dispute about the fact that after attaining majority, the petitioner submitted an application seeking compassionate appointment on 27.12.2016. This in itself is sufficient to indicate that she was not oblivious of her rights. Her application was rejected on 09.01.2017. The pandemic started since March, 2020. She had already lost more than three years before the pandemic. There is absolutely no explanation worth the name as

to why she could not file the original application during that enormous period of three years.

6. Again, after the pandemic was over she consumed few more months in preferring the original application. In the wake of such state of affairs, the Tribunal has rejected her application seeking condonation of delay. The decision is rendered by taking a plausible view of the matter. There is no perversity or arbitrariness.

7. The Writ Petition is dismissed.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-