

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

**CONT. PETITION NO.729 OF 2022
IN WP/10385/2012**

**BHIMRAO DAGDU THORAT
VERSUS
THE STATE OF MAHARASHTRA THROUGH G P HIGH COURT
AURANGABAD AND OTHERS**

Mr. Milind A. Manjramkar, Advocate for the petitioner
Mr. A. R. Kale, AGP for the respondent/State

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R. M. JOSHI, JJ.**

DATE : 12th JANUARY, 2023

PER COURT :-

1. The petitioner herein has alleged breach of order dated 10th April, 2013 in Writ Petition No. 10385 of 2012. By the said judgment this Court had directed the respondents to include the name of the petitioner in the list maintained by the concerned department for consideration of claims for making appointment on compassionate ground with further direction that the name of the petitioner should be retained and his claim should be considered until he completes age of 45 years. It is not in dispute that pursuant to the said order the name of the petitioner has been entered in the list maintained by the concerned department.

2. Learned counsel for the petitioner states that as on the date of the order, the petitioner was on the verge of completing 45 years and that the counsel representing him made a mistake in not bringing this

fact to the notice of the Court. He states that had the concerned Advocate brought this fact to the notice of the Court, the Court would have directed the concerned department to appoint his son on compassionate basis. Learned counsel for the petitioner further states that it is because of the negligence of the Government Officers that he has not been able to get employment on compassionate grounds. He states that instead of complying with the order the State challenged the order before the Hon'ble Supreme Court unsuccessfully. According to him the findings rendered by the Hon'ble Supreme Court are binding on the government.

3. At the out set it be mentioned that there were no direction given by this Court to appoint the petitioner on compassionate basis. In fact appointment of compassionate basis is not a matter of right. As per the policy decision the name of the petitioner was ordered to be entered in the list till he attains age of 45 years. The respondents having complied the said direction have committed no contempt of said order. The petition is totally frivolous and is accordingly dismissed.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

ssp