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

36 WRIT PETITION NO.12006 OF 2022

**RAHUL RAYBHAN NARAWADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....

Mr S. B. Choudhari, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondent No.1
Mr U. B. Bondar, Advocate for respondent No.2

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

DATE : 16th January, 2023

PER COURT:

1. The petitioner has put forth prayer clauses (B) and (C),
which read as under :-

“B. By issuing writ of mandamus or any other appropriate writ or direction in like nature, the Respondent No. 02 may kindly be directed to include the name of the Petitioner in the final list Dtd. 03/01/2022 prepared for Appointment of Compassionate appointment.

C. Pending hearing and final disposal of this writ petition, the Respondent No. 02 may kindly be directed to include the name of the Petitioner in the final list Dtd. 03/01/2022 prepared for Appointment of Compassionate appointment.”

2. The learned Advocate for the petitioner has strenuously and
vehemently canvassed that the petitioner has a right for

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compassionate appointment. His mother was a permanent employee in the Zilla Parishad as a 'Peon'. She died while in service on 18/07/2015. The petitioner immediately moved an application for compassionate appointment on 17/10/2015. The date of birth of the petitioner is 14/11/1974. On the date he made an application, he was below 45 years which is the age bar for disqualifying a candidate from being appointed on compassionate basis. He further criticizes the impugned order that he was not invited for tendering the documents along with other candidates purely on the ground that his age is more than 45 years. Earlier, amongst the applicants, he was at Sr. No.86 considering the date of his application.

3. The learned Advocate for the Zilla Parishad has strenuously opposed the petition on the following grounds :-

- (a) The mother of the petitioner passed away on 18/07/2015 and it is more than 7 and 1/2 years.
- (b) The petitioner is around 47 of age today, is a married person and has children. He is settled in life.
- (c) The Rules do not permit a candidate, who has completed 45 years of age, to be appointed on compassionate basis.

4. Considering the crystallized position of law in the light of catena of judgments delivered by the Hon'ble Supreme Court, it needs no debate that compassionate appointment is not a right to seek an employment. It does not create a mode of recruitment. It is a benefit to be given to the bereaved family since they have lost a sole bread earner suddenly and are likely to suffer financial difficulties. So also, service benefits made available to the bereaved family and the pension payable, are factors that are needed to be taken into account while considering the claim of a candidate on compassionate basis.

5. The petitioner is age barred. He is married and has children. There are no details set out in the pleadings of the petition, as to the manner in which he lived his life after marriage and the source of earning on the basis of which he supported his family.

6. Considering the above, we do not find that the Zilla Parishad has committed any error. This petition, being devoid of merit is, therefore, dismissed.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)