

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10264 OF 2018

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Shri Chandrakant Shamrao Bhare Petitioner

Vs.

The Asstt. Director of Higher
Education, Kolhapur Div. & Ors. Respondents

Mr. Siddharth Shitole i/b Mr.Ashutosh Kulkarni for the
Petitioner

Ms.Nisha M. Mehra, A.G.P. for the State / Respondent nos.1
to 3

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE,J.**

DATED : APRIL 12, 2023

P.C.

1 The Petitioner is the step son of the deceased Lilabai. She died during service on 19.01.1999. The Petitioner (step son) sought appointment on compassionate ground. The said Application is rejected on 13.09.2006. The Petitioner filed Writ Petition before this court in the year 2014. This court directed the Petitioner to avail alternate remedy. The Petitioner thereafter filed original Application along with application for condonation of delay before the

Maharashtra Administrative Tribunal. The Tribunal rejected the Application for condonation of delay. Aggrieved thereby the present petition.

2 The learned Counsel for the Petitioner submits that the Petitioner is an illiterate person. He was making representations with the Department. As such, was late in filing the legal proceedings. The learned counsel submits that if the step son is dependent upon the step mother, then, there is no impediment to consider the Application of the step son for appointment on compassionate ground. The ground rejecting the Application of the Petitioner is erroneous. The Tribunal ought to have considered the Application for condonation of delay sympathetically.

3 It is true that the courts are liberal in considering the Application for condonation of delay. The delay in the present case for taking up legal proceedings is eight years.

4 The appointment on compassionate ground is to remove the hardship that would be caused to the family on account of death of the bread earner. It is almost 25 years the step mother of the Petitioner had died. The Petitioner is responsible for the delay of eight years in taking up legal

proceedings. Moreover, the Petitioner has also crossed the upper age limit for appointment.

5 The learned counsel for the Petitioner relies on the judgment of the Division Bench of this court in the case of *Union of India and Anr. vs. V. R. Tripathi*¹ and submits that the children of the second wife are entitled for appointment on compassionate ground. The same is not a subject matter of issue in the present petition.

6 For all the aforesaid reasons, no relief can be granted to the Petitioner .

7 Writ Petition as such is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

1 (2016) SCC OnLine Bom 3951