

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4515 OF 2023

Shri. Balu Akaram Varne

..Petitioner

Versus

CEO of Nagarparishad Ashta & Ors.

..Respondents

Mr. Laxman Kalel, for the Petitioner.

Mr. Aditya Desai, for the Respondent No.1.

Ms. Manasi Pilankar a/w Raman Kamble, for the Respondent No.3.

CORAM : S. V. GANGAPURWALA, ACTING CJ &  
SANDEEP V. MARNE, J.

DATE : 13<sup>th</sup> APRIL, 2023

PC.

1. Heard learned counsel for the petitioner.
2. The petitioner challenges the appointment of respondent No.3. It is submitted by learned advocate for the petitioner that respondent No.3 is appointed in place of father as Safai Kamgar with respondent No.1. Learned counsel submits that father of the respondent No.3 was suspended and subsequently retired, compassionate appointment cannot be given to the ward of such a person. The compassionate appointment is not a right as per the judgment of the Supreme Court.
3. Learned counsel for the petitioner has placed reliance on the judgment of the Supreme Court in the matter of *Ahmednagar Mahanagar Palika Vs. Ahmednagar Mahanagar Palika Kamgar Union* reported in

**2022 LiveLaw (SC) 739.**

4. According to the learned counsel, father of the respondent No.3 was guilty of illegal acts, such as smuggling of diesel.

5. In service jurisprudence the petitioner would not have any *locus-standi* to challenge the appointment of the respondent No.3. The petitioner is not affected by the appointment of respondent No.3. There is no question of public interest in the present matter. The challenge under service law by a stranger can only by a writ of *quo-warranto*. The same is not the case here.

6. Learned counsel for the petitioner submits that grandson of the petitioner was also interested in the said job. In that case, no relief can be granted to the petitioner.

7. The writ petition is dismissed. No costs.

**[SANDEEP V. MARNE, J.]**

**[ACTING CHIEF JUSTICE]**