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

SALUNKE
J V

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WRIT PETITION NO. 7195 OF 2021

Jitendra Yashwant Chavan } Petitioner
Versus
Barshi Municipal Council & Ors. } Respondents

Mr. Kanhaiya Yadav i/b. Mr. Neel G. Helekar
for the petitioner.

Mr. B. V. Samant, AGP for State.

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

DATE: APRIL 5, 2023

P.C.:

- 1.** The petitioner seeks appointment on compassionate ground.
- 2.** The learned advocate for the petitioner strenuously contends that one Yashwant Chavan was employed as Safai Kamgar with respondent no. 1. He retired on 30th October 1991. The present petitioner was taken in adoption by him and the registered adoption deed was executed on 21st December 2005. The petitioner applied for appointment on compassionate ground on the basis of the Lad Page Committee recommendations. However, the respondents have not considered the application in its correct prospective. The application is rejected on the ground that the application was not filed within one year.
- 3.** The learned advocate for the petitioner submits that as per the Government Resolution dated 24th February 2023, even a person, who, on affidavit, undertakes to maintain the retired

Safai Kamgar, is entitled to be nominated for appointment on compassionate ground. In the present case, the said Yashwant Chavan adopted the petitioner legally. In view of that, the case of the petitioner ought to have been considered.

4. The claim of the petitioner for appointment on compassionate ground is rejected on 16th January 2006. After 14 years the said order is sought to be assailed.

5. The petitioner, admittedly, is not the natural son of Yashwant Chavan, who retired on attaining the age of superannuation as Safai Kamgar. The said person retired on 30th October 1991. The adoption deed is of the year 2005. It is submitted that the present petitioner is the son of real brother of Yashwant Chavan, who was the Safai Kamgar. On the date of adoption, the petitioner was 22 years of age. Unless a custom or usage is shown, the age of a person to be adopted should be less than 15 years as per section 10 of the Hindu Adoptions and Maintenance Act, 1956. In the present case, we do not see any custom or usage place on record.

6. Even if we accept the contention of the learned advocate for the petitioner that a person, who gives an undertaking that he would maintain the retired Safai Kamgar, the same would not come to the aid of the petitioner as the said Yashwant Chavan died in the year 2006 itself. In light of that, no question arises of the present petitioner maintaining the said Safai Kamgar.

7. In light of the aforesaid aspects, no case for interference is made out. The writ petition is dismissed.

8. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)