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

WRIT PETITION NO. 1101 OF 2023

Ruturaj Krishna Patil

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Chetan Patil i/by Mr. Mandar G. Bagkar for petitioner.
Mr. B. V. Samant, AGP for State.

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

DATE: FEBRUARY 1, 2023

P.C.:

- 1.** The application of the petitioner for compassionate appointment is not positively considered by the respondents.
- 2.** The learned counsel for the petitioner submits that the father of the petitioner was working as an Assistant Teacher with respondent no.3. He died in harness in the year 2001. The mother of the petitioner in the year 2002 filed an application seeking appointment on compassionate ground. Thereafter, the mother of the petitioner on 8th November, 2002 gave an application that she is illiterate and not qualified and as such the employment be given to her son after he attains majority. The learned counsel submits that inspite of the fact that the mother of the petitioner has communicated to the respondents that the employment be given to the petitioner after he attains majority, order was issued by the respondent no.3 on 11th December, 2007 giving appointment order to the mother of the petitioner. According to the learned counsel for the petitioner immediately on attaining the age of majority, the petitioner applied for compassionate appointment within the period

of limitation. The CEO has sought advice from the Government. The Government has not communicated pursuant to the advice sought by the CEO.

3. The learned counsel submits that now the mother of the petitioner also died. The petitioner is in need of job. The petitioner does not have any other source of livelihood.

4. We have heard the learned AGP.

5. The father of the petitioner, it appears, died on 29th December, 2001 while in service. Thereafter the application was given by the mother of the petitioner seeking employment. It appears that subsequently again one application was submitted that she may not be in a position to discharge the duty because of her illiteracy. The appointment order was issued to the mother of the petitioner on 11th December, 2007. The appointment was for the post of Parichar in a pay-scale. The mother of the petitioner did not join the service.

6. It appears from the communication that the mother of the petitioner had again on 24th September, 2003 applied to the respondent no.3 seeking appointment of the Parichar. It appears that pursuant to the said application, the appointment order was issued in favour of the mother of the petitioner on 11th December, 2007. The mother of the petitioner did not accept the same.

7. If at all the family of the petitioner was in need of livelihood, the mother of the petitioner would have accepted the said appointment offer. The purpose of giving appointment on compassionate ground is to provide immediate succor to the family of the deceased dying in harness. The opportunity was available to the family of the petitioner viz., mother to join the employment pursuant to the appointment order issued to her on 11th December, 2007. The same was not accepted and after the petitioner became major in 2017, the petitioner applied in the year 2018 for appointment on compassionate ground.

8. The mother of the petitioner was given appointment on compassionate ground in place of the father of the petitioner. She did not accept the same. Now for the same purpose, the petitioner again cannot claim appointment on compassionate ground.

9. In light of that, no order can be passed in favour of the petitioner. The writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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DASHARATH
PANDIT
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