



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4657/2022

Smt. Ranjana Wd/O Naresh Mohture
Vs

The State Of Maharashtra, thr. Social Welfare Dept. Mumbai And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. I.N.Choudhari, counsel for petitioner.

Mr. N.S. Rao, AGP for respondent Nos. 1 to 3.

Mr. P.S. Kshirsagar, counsel for respondent Nos. 4 to 5.

CORAM: AVINASH G. GHAROTE &
URMILA JOSHI-PHALKE, JJ

DATED : 27/09/2023.

1. Heard Mr. I.N. Choudhari, learned counsel for the petitioner, Mr. N.S.Rao, learned Assistant Government Pleader for the respondent Nos. 1 to 3 and Mr. P.S. Kshirsagar, learned counsel for respondent Nos. 4 and 5.

2. The petition questions the denial of the employment to the petitioner on compassionate appointment on account of demise of her husband namely Naresh Ramaji Mohture on 12/08/2016. Though it is contended, that an application for compassionate appointment was filed on 17/10/2016, there is no material on record except for the communication at (Page-32) which does not indicate the receipt of such communication by the respondents.

Which would lead us to conclude that the application came to be made for the first time on 17/10/2019, which has been rejected on the ground that from 12/08/2016 till 31/12/2019 the management had kept a seat vacant for the petitioner, however, since the petitioner did not approach the seat has since been filled up. There is no explanation forthcoming as to why the petitioner did not approach the respondent/management, till 17/10/2019. The policy in this regard, which is reflected from the communication dated 31/12/2002 vide clause 5 (a) indicates that application for compassionate appointment has to be made within a period of three months from the date of demise.

3. Even though reliance is placed upon this policy, there is no material on record to indicate that this was so done. If the petitioner intends to claim benefit of a policy she should indicate the compliance of the requirement of the policy, which is absent in the present matter.

4. In that view of the matter, we do not see any reason to entertain the petition, the same is **dismissed**.
No costs.

JUDGE

JUDGE