



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8974 OF 2022

JAYSHREE ROHIDAS RATHOD ALIAS
JAYSHREE HARISCHANDRA JADHAV
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. A.S. More h/f. Jadhav Madhav K.

AGP for Respondents/State: Mr. V.M. Kagne

Advocate for the Resp. Nos.5 & 6 : Mr. S.B. Ghatol Patil

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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.

DATE : 4th September, 2024

PC. :-

1. On 06.09.2022, we had passed the following order:

“1. The Petitioner has put-forth prayer clause 'B' as under:-

"B] By way of issuance of writ of mandamus, or any other appropriate writ, order or directions in the like nature, the Respondent Nos.5 and 6 may kindly be directed to submit the Proposal of the Petitioner as prescribed in Government Resolution dated 26.10.1994, before the Respondent No.4 and the Respondent No.4 may kindly be directed to decide the said proposal within a stipulated period thereby issuing Appointment Order on the Compassionate basis in favour of the petitioner within stipulated period."

2. It is informed that the Petitioner's first application for compassionate appointment is dated 09.07.2018, pursuant to the demise of her husband on 11.12.2017.

3. Issue notice to the returnable on 11.10.2022. The learned Respondents, AGP waives service of notice on behalf of Respondent Nos.1 to 4.

4. All office objections to be removed on or before 21.09.2022, failing which the Petition shall stand dismissed without reference Court on 22.09.2022.”

2. All the parties are served in the light of the noting of the Registry, dated 18.11.2022.

3. We have considered the submissions of the learned advocate appearing on behalf of the Respondent Nos.5 and 6. We have perused the affidavit in reply filed.

4. It is undisputed that the Widow has filed an application for compassionate appointment within one year from the demise of her husband. The affidavit in reply does not mention that the scheme for compassionate appointment does not apply to the Petitioner's case. In the affidavit in reply an unfair statement is made that the GR dated 27.10.1994, is not applicable to the Petitioner. In another breath, it is stated in the affidavit that the Petitioner did not tender the requisite documents.

5. When called upon as to whether Respondent Nos.5 and 6 have directed the Petitioner to tender certain documents, the answer is that the Petitioner was orally informed. We have no reason to believe such a statement. The Petitioner had made an application within time and the said application could not have been kept pending waiting for the Petitioner to submit documents, when details of the documents were never brought to the notice of the Petitioner who is a Widow and is 10th Std. Educated.

6. In view of the above, **this Writ Petition is partly allowed.** Respondent Nos.5 and 6 shall depute a responsible officer to visit the Petitioner and collect all the required documents to be filed. Every assistance should be given to the Petitioner in filing such documents. This exercise should be completed within 45 days. The date of the application of the Petitioner, which is 09.07.2018, shall be the date of reference for including her name in the list of eligible candidates. Based on the seniority of the application, going by its date, the Petitioner shall be granted appointment on compassionate basis on a post for which her educational qualification would be a requisite. If it is brought to the notice of the Court any time in future that juniors have been granted appointment and the Petitioner has been deprived of such appointment considering her date of

application as 09.07.2018, this would be construed as an intentional and deliberate act of disobedience of the Court's order.

7. With the above directions, **this Writ Petition is disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]