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

WRIT PETITION NO. 3326 OF 2024

Mahesh Chhaganrao Kadam

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Paresh B. Borse-Patil for the Petitioner

Ms. T.J. Kapre, AGP for the Respondent Nos. 1 to 4

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 13 MARCH 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner is seeking a writ to direct the Respondent Nos. 3 to 7 to consider the claim of the Petitioner on compassionate basis and appoint the Petitioner on the post of teaching staff. The Petitioner is seeking this relief in the light of the fact that the Petitioner's father who was working with the Respondent Nos. 3 to 7 expired on 14 May 2014. An application made to the Education Officer on 31 July 2014 is annexed. Thereafter, there is next

application of 4 October 2021 that is the gap of almost 7 years and thereafter, this Writ Petition is filed in October 2023. It is settled through catena of judicial pronouncements that an appointment on the compassionate basis, which is an exception to appointment through public participation, is not to be treated as a vested right. The appointment on compassionate basis is given to assist the family to tide over sudden financial crisis befallen on the dependents due to the untimely death of the bread winner. Delay on the part of the applicants is considered as germane to decline the relief.

3. There is a delay in filing the Writ Petition and that in the applications made to the Education Officer. Merely by stating that the matter was followed up is not sufficient. There is an unexplained gap of seven years in two applications. In these circumstances, we do not find that the case is made out for issuance of any writ to the Respondents to consider the claim of the Petitioner on compassionate basis.

4. The Writ Petition is accordingly rejected.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

JYOTI
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PAWAR

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