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

***WRIT PETITION NO. 9711 OF 2024***

Sachin Valmik Netare

... Petitioner

V/s.

Bhairavnath Kala, Krida and

Sanskrutik Mandal (Reg.)

Vadner Bhairav, Nashik and Ors.

... Respondents

Mr. Rahul Rote with Anilkumar Patil for the Petitioner

Mr. S.B. Kalel, AGP for the Respondents 4 to 8

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

***DATE : 18 JULY 2024***

**P.C. :-**

Heard the learned Counsel for the Petitioner and the learned AGP.

2. The Petitioner has sought a direction to the Respondents to appoint the Petitioner on compassionate basis. The Petitioner's father who was working as a Laboratory Assistant with the Respondent – Educational Institute passed away on 21 March 2011. Some applications filed by the Petitioner are placed on record, with

hand written dates to show that they have been made from 2011 to 2012. Then there is a legal notice issued by the Advocate on behalf of the Petitioner on 3 January 2024 and thereafter, this Petition is filed.

3. Therefore, it is now 13 years since the Petitioner's father has expired. There is no explanation whatsoever given in this Petition for the delay, if at all there can be one. The Petitioner is now 38 years old. It is settled that the appointment on compassionate basis are not a matter of vested right. Appointment is an exception to appointment through public participation. It is given to support the family which has suffered a sudden loss of the bread winner on the basis that there is an emergent need. In this context, the delay of 13 years in approaching this Court cannot be overlooked. Thus, this is not a case where compassionate appointment can be directed.

4. The Writ Petition is rejected.

*M.M. SATHAYE, J.*

*NITIN JAMDAR, J.*

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