



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

WRIT PETITION NO. 5541/2021

**Bhagyesar s/o Late Purshottam Diwate Vs. The Welfare Committee, Through it's
Secretary, Hon'ble Bombay High Court and others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. H.A. Khedikar, Advocate for Petitioner
Dr. (Mrs.) R.S. Sirpurkar, Advocate for Respondent

**CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATED : 22nd APRIL, 2024

Heard the parties.

2. The petition questions the rejection of the claim of the petitioner for compassionate appointment by the communication dated 03/02/2009 (page 38), on the ground, that the petitioner was eligible to be appointed on the compassionate basis and not doing so, has resulted in injustice.

3. The claim is opposed by the learned counsel for all the respondents.

4. The position regarding compassionate appointment is no longer *res integra* & is covered by the Full Bench of this Court in the case of **Nilima Raju Khapkar Vs. The Executive Director, Bank of Baroda 2022 SCC Online Bombay 10735**

(para 19), where the principles in this regard have been seplt out and the judgment of the Hon'ble Apex Court in the **State of West Bengal Vs. Debabrat Tiwari 2023 online SC 219**. The very basis of the policy for compassionate appointment is for providing immediate succor to the family in need on account of the untimely demise of the bread earner. In the instant case, the father of the petitioner, who was employed as Watchman in the Court of Civil Judge, Senior Division, Gondia on 13/02/1996 passed away on 20/4/2004 and the application dated 14/2/2008 of the petitioner, who was minor at the point of time of demise of his father has been rejected by the communication dated 03/02/2009. The petition has been filed in the year 2021. Considering the very purpose for which the policy has been framed, passage of time unfortunately, in our considered opinion, has rendered the claim of the petitioner unacceptable, considering which, we do not see any reason to interfere in the impugned communication. The petition is dismissed. No costs.

(SMT. M.S.JAWALKAR,J.)

(AVINASH G. GHAROTE,J.)