



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 2656 OF 2024

(Vinita wd/o Prashant Nile ..vs.. State of Maharashtra, through its Secretary, Mumbai and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V.V. Pande, Counsel for the petitioner,
Mr. J.Y. Ghurde, AGP for respondent Nos.1 to 3,
Mr. S.S. Sanyal, Counsel for respondent No.4.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 03-09-2024

Heard.

2. The petitioner sought compassionate appointment as against the post occupied by her husband, who expired on 21-4-2019.

3. Within expiry of one month period i.e. 13-5-2019, the petitioner has already applied for grant of compassionate appointment, procession of which to considerable time which has resulted into passing of the impugned order dated 13-10-2023.

4. The delay caused in processing the application of the petitioner cannot be attributed to her, particularly when she has lodged her claim within the stipulated period as is prescribed in the Government Resolution dated 21-9-2017.

5. Once the petitioner was diligent in moving an application for grant of compassionate appointment within the time stipulated in the Government Resolution dated

21-9-2017 i.e. within a period of two years, it cannot be said that the petitioner was responsible for delay caused in processing her application, which led to crossing her qualification age of 45 years.

6. That being so, we deem it appropriate to quash and set aside the impugned communication dated 13-10-2023

7. We direct the respondents to grant compassionate appointment to the petitioner forthwith.

8. Consequent to above, we permit the petitioner to appear before respondent No.4 so as to enable respondent No.4 to issue appointment order as we are informed that already there exist a vacancy against which the petitioner can be accommodated, which is commensurate to her academic qualification.

9. Once the appointment order is issued by respondent No.4, the Joint Director of Education, Nagpur shall grant approval to the appointment of the petitioner, once the proposal is submitted to that effect.

10. The petition stands allowed in the above terms.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)