



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2540 OF 2015

Pankaj s/o Anandrao Gandhare ... PETITIONER

VERSUS

The State of Maharashtra & Others ... RESPONDENTS

.....
Mr. Tushar Shinde, Advocate holding for
Mr. C.K. Shinde, Advocate for Petitioner
Mr. A.R. Kale, A.G.P.for Respondents No.1 & 2
.....

CORAM: ALOK ARADHE, CJ. &
ARUN R. PEDNEKER, J.

DATE: 21st MARCH, 2025.

ORAL JUDGMENT (PER : CHIEF JUSTICE) :

1. Rule. Rule is made returnable forthwith. By consent of the learned Counsel for the parties, the Writ Petition is heard finally.

2. In this Writ Petition, the Petitioner *inter-alia* seeks a writ of mandamus to Education Officer to appoint the Petitioner on compassionate ground on a Class IV post in the

school run by the Respondent No.3, in the light of Government Resolution dated 31/12/2002.

3. Facts giving rise to the filing of this Petition, in nutshell, are that, the father of the Petitioner was appointed on 11/6/1994 as a permanent teacher in the school run by Respondent No.3. The father of the petitioner, on 30/12/2006, suffered a cardiac arrest while in service and expired. After a period of one year and two months, the Petitioner submitted an application seeking compassionate appointment.

4. The Petitioner thereafter again submitted a representation on 2/12/2008 to the Education Officer, seeking compassionate appointment. After a period of seven years, the Petitioner again submitted a representation on 12/1/2015. The representations submitted by the Petitioner did not get any response. Therefore, the Petitioner has filed this Writ Petition on 2/3/2015 seeking the relief of compassionate appointment.

5. Learned Counsel for the Petitioner submits that, the delay in filing the Petition occasioned on account of

inaction of the Education Officer for which the Petitioner cannot be blamed. It is further submitted that, in view of the Government Resolution dated 31/12/2002, issued by the Government of Maharashtra, the Petitioner's case is entitled to be considered for appointment on compassionate ground.

6. On the other hand, learned A.G.P. for Respondents No.1 and 2 submitted that the Petitioner is guilty of unexplained delay and laches and, therefore, no relief in the fact situation can be granted to the Petitioner.

7. We have considered the submissions of the learned Counsel for the Petitioner and perused the record.

8. It is trite law that the compassionate appointment is provided to a family to tide over the immediate financial crisis. In the instant case, the father of the Petitioner expired on 30/12/2006. After a period of one year and 2 months, the Petitioner for the first time submitted his representation. Thereafter the Petitioner waited for seven long years and submitted a representation on 12/1/2015 and has filed this Writ Petition in the year 2015. The Writ Petition suffers from unexplained delay and laches and, therefore, the Petitioner is

not entitled to any relief on account of delay and laches itself. It is pertinent to mention here that two of the younger siblings of the Petitioner, namely his sisters, during the pendency of the Petition, have got married and a younger brother of the Petitioner is employed as a labour. The grant of compassionate appointment to the Petitioner at this point of time i.e. after 18 years of the death of his father, would be contrary to the very object of providing the compassionate appointment as the family of the Petitioner has been able to tide over the financial crisis.

9. For the above mentioned reasons, we do not find any merit in the Petition. The same fails and is dismissed. Rule discharged.

(ARUN R. PEDNEKER, J.)

(CHIEF JUSTICE)

FMPathan/-