



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1066 WRIT PETITION NO. 7287 OF 2022

Shubham Arun Jadhav

....Petitioner

VERSUS

The State of Maharashtra and others

.....Respondents

.....

Mr. Pawar Ajay D., Advocate for the Petitioner

Mr. P. K. Lakhotiya, AGP for the Respondents – State

Ms. Pooja S. Ingle h/f Mr. S. J. Salunke, Advocate for Respondent
Nos.5 and 6

.....

**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 26.08.2025

PER COURT :

1. Heard.

2. The challenge in this Petition is to the communication dated 06/12/2018 turning down the Petitioner's claim for appointment on compassionate ground.

3. The father of the petitioner was serving as an Assistant Teacher, who died in harness on 22/01/2013. He left behind a widow and three children (including the petitioner herein). The petitioner at that time was minor. He attained the age of majority on 27/10/2018. Within a month of his attaining majority, he moved an application for compassionate appointment. His application has been turned down on the ground of having been made five years after the demise of his father. He is, therefore, before us in this writ petition.

4. The learned advocate for the petitioner would submit that the petitioner was minor when his father passed away. Within a month of his attaining majority, he moved the application. As such, the application moved by the petitioner was well within the time frame of six months, as has been expected under the relevant provisions of the Ashram School Code. According to him, the petitioner's mother was illiterate. She was in distress on account of the demise of her husband. She had immediately approached her husband's employer. The authority concerned advised her to come when her son would attain the majority. The scheme for appointment on compassionate ground envisaged under the Government Resolution of 2002 was adverted to. According to the learned advocate, the family is still in distress since the demise of the petitioner's father. He, therefore, urged for allowing the writ petition.

5. The learned advocate for the management and the learned advocate for the respondent – State would, on the other hand, submit that the main object of the scheme for appointment on compassionate ground is to provide immediate financial succor to the family in distress. In the case in hand, the mother and two elder sisters of the petitioner were very much there. They could have made an application for appointment on compassionate ground, had they really been in financial constraints. According to them, had the deceased left behind only minor Class-I heir eligible for appointment on compassionate ground, then the case of the petitioner might have been covered by the scheme. According to them, the delay of a little over five years disentitled the petitioner for the appointment.

6. We have considered the submissions advanced and perused the documents relied upon. The father of petitioner joined service as Assistant Teacher way back in 1995. He died in harness in January 2013. The petitioner at the time of his father's death had not attained the age of 18 years. He became major in October 2018. Within a month of his attaining majority, he moved application for appointment on compassionate ground. As such, there is a delay of little over five years from the death of the petitioner's father in making an application. While the father breathed his last, the petitioner's mother and two elder daughters were there. Had the family really been in financial distress, the mother of the petitioner or one of the two sisters could have made an application for appointment on compassionate ground. Needless to mention, the object of the scheme is to provide immediate financial relief to the family in financial constraints. Not making an application for a little over five years suggests that the family was not in financial difficulties. The authorities concerned have therefore rightly turned down the petitioner's application. For all these reasons, we are not inclined to grant relief to the petitioner, although it pains us. Hence, the petition is dismissed.

[NEERAJ P. DHOTE, J.]

[R. G. AVACHAT, J.]

Sameer/August-2025