



Writ Petition No.10069/2021

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

WRIT PETITION NO.10069 OF 2021

Smt. Vaishali w/o Dhanesh Bhale ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

...
Mr. V.G. Salgare, Advocate for petitioner
Mr. P.S. Patil, A.G.P. for State
Mr. P.P. Kothari, Advocate for R.No.2 and 3
...

**CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.**

DATED : NOVEMBER 03, 2025

P.C.:

Heard. The petitioner's mother-in-law was serving as a Head Mistress in the school of respondent – Zilla Parishad. She died in harness on 8/10/2012. On her demise, her son (husband of the petitioner) applied for grant of appointment on compassionate ground. The application was moved within couple of months of the demise of his mother. The respondent – Zilla Parishad turned down the said application on the ground that the brother-in-law of the petitioner was gainfully employed

(Government service). Thereafter, the husband of the petitioner made representations to the respondent – Zilla Parishad, contending to have not been offered an opportunity of hearing before his application was turned down. He continued to make representations for reconsideration of the decision rejecting his application. He too died. His widow, the petitioner herein, then moved the application for grant of appointment on compassionate ground. Her request was also turned down. She is, therefore, before us in this Writ Petition.

2. The learned Advocate for the petitioner would submit that, the original application for appointment on compassionate ground was moved within a couple of months of the demise of the petitioner's mother-in-law. The application was moved by the petitioner's husband. Since the petitioner's brother-in-law was in public employment, the respondent – Zilla Parishad turned down the application. In the affidavit-in-reply, the respondent – Zilla Parishad has come with a stand that there was no provision or procedure contemplated in the relevant rules to give opportunity of hearing to the applicant before the application is rejected. According to the learned Advocate for the petitioner, the brother-

in-law of the petitioner was not a member of the family of the deceased. He was serving at Ratnagiri. According to him, the only consideration for grant of such appointment is that, whether the applicant was really dependent on the income of the deceased employee. According to him, the husband of the petitioner had made several representations post rejection of his application. When it was a case of rejection and the ground therefor was the brother of the applicant to have been gainfully employed, the husband of the petitioner ought to have been given an opportunity to submit that his brother was not a member of the family and dependent on the income of the deceased. Had such opportunity been given, the authority concerned could have changed its mind and granted application for appointment. He, therefore, urged for allowing the Writ Petition.

3. Learned Advocate for the respondent – Zilla Parishad reiterated the averments in the affidavit-in-reply. According to him, the petition suffers on account of delay and laches. According to him, the scheme of compassionate appointment is meant to provide an immediate financial succor to the family in financial distress. The petitioner herein approached this Court

seven years after her husband's application was turned down. The same suggests neither the petitioner nor her husband were in dire need to secure an employment to tide over the financial constraints.

4. We have considered the submissions advanced. Compassionate appointment is not as a matter of right. It is meant for providing an immediate financial succor to the members of the bereaved family. True, the mother-in-law of the petitioner died in October 2012. She was Head Mistress of the school run by the respondent – Zilla Parishad. Within couple of months of her demise, her son (husband of the petitioner) made an application for compassionate appointment. The application was turned down on the ground of his brother to have been gainfully employed. It is a question of fact as to whether the brother-in-law of the petitioner was really member of the family of the deceased. Be that as it may.

5. The husband of the petitioner died in May 2020. The fact is that, his application for compassionate appointment was turned down way back in 2013. Instead of approaching the Courts of law to ventilate his grievance against rejection of his

application, he claimed to have continued to make representations to the respondent – Zilla Parishad and spent therein a period of little over seven years. In the meanwhile, he too passed away. According to the petitioner, her husband (applicant) was suffering from schizophrenia and, therefore, could not approach the Courts of law. The fact remains that, after rejection of the application of the petitioner's husband, a period of little over seven years was spent and thereafter this petition was filed in the year 2021.

6. As stated hereinabove, the purpose of providing compassionate appointment has been lost by the action of the petitioner and her husband as well. Delay of little over seven years in approaching this Court, in our view, disentitles the petitioner to grant of such a relief. Moreover, the petitioner is a daughter-in-law of the deceased employee. Her husband (applicant) was very much there. When did he become ineligible for securing compassionate appointment could not be ascertained although our attention has been adverted to some of the pleadings to indicate that it is only in 2018 he developed schizophrenia. The material in that support is reliance on medical

certificate in that regard. The learned Advocate for the petitioner meant to say that, even before 2018, the deceased husband of the petitioner might have been physically challenged to secure employment on compassionate ground. If that is so, the same would also run counter to the claim of the petitioner since the cause of action for asking for such employment could be said to have been accrued even before 2018.

7. In any case, the long delay of little over seven years in approaching this Court to seek directions to give the petitioner appointment on compassionate ground disentitles her to get such relief. In our view, the petition is, therefore, liable to be dismissed. The same, therefore, stands dismissed.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]

FMPathan/-