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935 WP-9795-2022

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 9795 OF 2022

Ramesh Nagorao Pathak

VERSUS

The State Of Maharashtra Through Its Secretary And Another

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Mr. Madhav C. Ghode, Advocate for the Petitioner.

Mr. S. J. Salgare, AGP for Respondent-State.

Dr. R. J. Godbole, Advocate for Respondent No.2.

CORAM : KISHORE C. SANT &
ABASAHEB D. SHINDE, JJ.

DATE : 11th DECEMBER 2025.

PC :-

1. Heard Mr. Ghode, learned Advocates for the Petitioner, Mr. Salgare, the learned AGP for Respondent-State, and Dr. Godbole, the learned Advocate for Respondent No.2.
2. By way of this writ petition, the petitioner is seeking an appointment on compassionate ground in this Court to the suitable post.
3. It is the case of the petitioner that the petitioner lost his brother on 15th June 2020 during covid-19 pandemic. The petitioner, therefore, sought appointment in his place.

4. It is the case made out that the entire family, including this petitioner, was dependent on the deceased brother. There are old aged parents in the family. One sister of 20 years is 100% disabled etc.

5. After issuance of notice, the respondent No.2 conducted an inquiry and has filed affidavit-in-reply. In the affidavit in reply, it is stated that the petitioner has not disclosed that there is agricultural land in the name of his father. He is already working as Assistant Manager since 1st August 2007 in Deogiri Nagari Co-operative Credit Society, where his salary is of Rs.31,200/- per month, whereas the salary attached to the post of peon, to which he is eligible, is only Rs.24,092/- per month. It is thus submitted that the petitioner is not entitled to compassionate appointment.

6. Learned Advocate for the petitioner vehemently argued that the petitioner lost his brother in covid-19 pandemic on 15th June 2020. There is no one in the family to look after the old aged parents and the sister. The deceased brother was unmarried, and therefore, only family members were the dependents. He submits that clearly a case is made

out to grant compassionate appointment. So far as his job is concerned, he submits that though he is in job, the said job is not permanent and is only in the Co-operative Society.

7. Dr. Godbole, the learned Advocate for the Respondent submits that, the scheme of compassionate appointment is only to meet the immediate situation created because of death of earning member in the family and where no one else is earning. There is a clear case that the petitioner is earning and his salary is even more than the salary attached to the post to which he is eligible for appointment. He thus prays for dismissal of the writ petition.

8. This Court finds that no case is made out that if no service is given, the family would suffer any economic hardship or a situation where they cannot survive.

9. Considering above, this Court does not find any merit in the writ petition. The writ petition, therefore, stands dismissed.

[ABASAHEB D. SHINDE, J.]

[KISHORE C. SANT, J.]