



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10832 OF 2019

KALPANA BHAGWAN SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Petitioner : Mr. N.L. Choudhari
AGP for Respondents: Mr. S.J. Salgare
...

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

DATE : 20.11.2025

PER COURT:

1. Heard.
2. The petitioner, the married sister of the deceased Vijay, is before us asking for appointment on compassionate grounds. Her plea has been turned down on the ground of having been married and not dependent on the income of her deceased brother.
3. The learned advocate for the petitioner first submitted that since the petition is of 2019, the same be heard without driving the petitioner to avail the remedy of approaching Maharashtra Administrative Tribunal. He then relied on the judgment of this Court in case of **Swapanali Shekhar Kalbhor and Ors. Vs. State of Maharashtra and Ors.;** (Principal Seat at Bombay - WP No.7797 of 2014 passed on 11.10.2017), wherein, a married sister was granted an appointment on compassionate

ground. The learned advocate adverted our attention to paragraphs No.1, 9 and the last para of the judgment to submit that the respondent authority ought to have been bold to grant the petitioner's request. He adverted our attention to the pleadings and even on certain documents on record to indicate that the petitioner was serving as a laborer to make both ends meet. He means to say that the petitioner was wholly dependent on the income of the deceased brother. According to him aged parents of the deceased were also dependent on his income and now it is for the petitioner to maintain them. He, therefore, urge for allowing the writ petition.

4. The learned AGP would on the other hand submits that in terms of the scheme for grant of compassionate appointment, the petitioner does not get cover and the authority concerned therefore rightly turned down the petitioner's application.

5. We have considered the submissions advanced. The facts of the case referred to herein above indicate that the sister therein was deserted by her husband and was wholly dependent on the income of the deceased. Whereas, under the relevant scheme for grant of compassionate appointment Clause IV thereof indicates that a divorcee daughter or sister, deserted daughter or sister, or widow daughter or sister could be considered for grant of such appointment. It is true that by virtue of amendment to the Government Resolution dated 17.11.2016, sister or brother of an unmarried Government employee were considered

to be eligible for grant of such appointment. The Clause is not without rider. Plain reading of the Clause V thereof would indicate that a brother or sister to be eligible for compassionate appointment should have been wholly dependent on the deceased employee.

6. Admittedly, the petitioner was married and leave with children when her brother died in harness. There is nothing to indicate that her husband is unemployed to maintain her and her children as well. As per the case of the petitioner herself, she does labour work to earn her leaving, the same must be in addition to the source of income of her husband. At the cost of repetition, it needs to be observed that the petitioner being married sister and there being nothing to indicate her to have been wholly dependent on the income of the deceased brother her application has been rightly turned down. Although it pains us to deliver this order but we cannot travel beyond the scheme where under the petitioner is not entitled for grant of relief claimed. The petition therefore fails. Hence, dismissed.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)