



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2092 OF 2019

Saurabh Valmik Shirsath & anotherPetitioners

VERSUS

The State of Maharashtra & anotherRespondents

Mr. H. P. Jadhav, Advocate for the Petitioners.
Mrs. C. R. Choudhari Kutti, AGP for the State.
Mr. S. T. Shelke, Advocate for Respondent No. 2.

**CORAM : KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.**
DATE : 17th DECEMBER, 2025.

PER COURT :

1. Heard learned Advocates for both the sides for some time.
2. Petitioner No. 1, by way of this Petition, is praying for direction to Respondent No. 2 to give appointment on compassionate ground in place of his father who died on 22.02.2007.
3. It is the case of the Petitioner No. 1 that after the death of his father, his mother i.e. Petitioner No. 2 also filed an application seeking compassionate appointment. In the meantime, she crossed age of 45 years. However, she was not given appointment by the

Respondents. In the meantime, on 08.06.2015, she filed an application praying that in her place, the name of her son i.e. Petitioner No. 1 be substituted and he should be considered for compassionate appointment.

4. Now, it is seen that even thereafter Petitioner No. 2/mother of Petitioner No. 1 filed Writ Petition No. 4130/2018 seeking appointment on compassionate ground challenging the letter of rejection. This Court, in the said Writ Petition, by order dated 26.06.2018, issued direction to consider the claim of the mother though she had crossed the age of 45 years in the peculiar facts of the case. It is seen that subsequent to that, both the son and the mother i.e. present Petitioners have filed the present Petition in the year 2019 seeking appointment.

5. It is further pointed out that since the Respondent thereafter did not consider the claim of the mother, she even filed Contempt Petition in this Court bearing Contempt Petition No. 256/2020. Thus, it is seen that the mother was also prosecuting. Had it been the case that really the mother had desire to substitute her son in her place, she should not have filed the Writ Petition. In the Writ Petition filed

by the mother i.e. Petitioner No. 2, seeking review of the order passed in Writ Petition No. 4130/2018, a statement is specifically made on instructions that the present Petitioner No. 1 would withdraw this Writ Petition filed by him.

6. Considering all the above facts, it is clearly seen that Petitioner No. 2 is still pursuing her own application seeking compassionate appointment. It is seen that though a specific statement is made that the claim of Petitioner No. 1 would be withdrawn, this Court is shocked to see that even now the Petitioners are prosecuting the present Petition even after making this statement. It is also seen that Petitioner No. 2 had even filed Contempt Petition No. 26/2020 against the then Chief Executive Officer. Now, it is seen that it is almost 18 years after the death of father of Petitioner No. 1 and husband of Petitioner No. 2. Considering the passage of time, this Court finds that no urgent situation is in existence requiring compassionate appointment to any of the members of the family.

7. In normal course, this Court would taken strict action against the Petitioners for their conduct. However, since the Petitioners are the persons who are seeking appointment on compassionate ground,

this Court, out of sympathy, is refraining itself from taking any action of contempt and even not imposing any cost. However, this practice needs to be seriously deprecated.

8. Consider the above, this Court finds no merit in the Writ Petition. Petition, therefore, stands dismissed. No order as to costs.

(ABASAHEB D. SHINDE)
Judge

(KISHORE C. SANT)
Judge

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