

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7928 OF 2024

Swati Bramhanand Chinke & Anr. ...Petitioners
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Ganesh Misal i/b Vishal Kale & Anant Deshmukh for Petitioner.
Mr. Sachin Kankal, AGP for State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 28 APRIL 2025

P.C.

1. The petitioner is asserting that the petitioner is entitled to the compassionate employment under the State Government the post on which the petitioner seeks appointment with also under the State Government. Considering the settled principles of law as laid down by the Constitution Bench of the Supreme Court in L. Chandra Kumar Vs. Union of India¹ as also reiterated by Division Bench of this Court in Vijay Ghogre & Ors. Vs. State of Maharashtra & Ors².

2. In our opinion, the remedy for the petitioner is to approach the Maharashtra Administration Tribunal.

1 (1997) 3 SCC 261

2 2013 SCC OnLine Bom 1764

3. Accordingly, we dispose of this petition by permitting the petitioner to approach the Maharashtra Administration Tribunal in appropriate proceedings. As the petitioner was pursuing this petition bona fide, in the event, the appropriate proceedings before the MAT are filed within a period of four weeks from today. The same be considered on its merits and without an objection as to limitations.

4. All contentions of the parties are expressly kept open.

5. Disposed of in the aforesaid terms. No costs.

6. Needless to observe that as the matter pertains to compassionate appointment, the petitioner is at liberty to seek early hearing of the petition.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)