



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 331 OF 2020

Shri Shreyas S/o. Ramkrushna Pande and another

.Vs.

State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr U. J. Deshpande, Advocate for the petitioners
Mr Piyush Pendke, AGP for respondent No.1/State
Mr A. D. Mohgaonkar, Advocate for respondent Nos. 2 to 5

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATED : NOVEMBER 25, 2025.

Heard.

2. In the present matter, the non consideration of the petitioner No.1's claim, for compassionate appointment in place of his deceased brother, who was in employment of the respondents, is under challenge.

3. The rejection of the claim of the petitioner No.1 is on the ground that as per the scheme of the respondents, married brother or sister of the deceased employee is not eligible for compassionate appointment.

4. The learned counsel for the petitioners while pointing out the rejection of the petitioner No.1's claim on the said ground is illegal, has drawn attention of this Court to the letter issued by the respondents treating the case of the petitioner No.1 as a special case for considering his claim for employment.

5. The learned counsel for the petitioners has further pointed out the scheme, more particularly clause 13 which says that 'the Managing Director in consultation with Executive Director (HR), Director (Operation) and Director (Finance) shall be the Competent Authority to permit the deviation in deserving cases which do not squarely fall within the ambit of coverage of the scheme and held the defendant eligible for compassionate appointment as a special case on merit'.

6. It is submitted that though in the scheme married brother is not eligible however once the case of the petitioner No.1 is treated as a special case the respondents ought to have considered the case by permitting the deviation from such clause.

7. After going through the record and the letter issued, informing the rejection of the application of the petitioner No.1, it disclosed that after considering the case of the petitioner No.1 as a special case, the Director has found that the petitioner No.1 cannot be considered as eligible for such employment.

8. No doubt once the case of any dependent is considered as a special case deviation from the strict compliance of scheme is permissible. However, it does not give right to any person for such employment on compassionate ground.

9. The Competency and eligibility is to be decided by the Managing Director even after such deviation and no

person can claim right to such employment only because his case is considered as a special case.

10. Even if after considering the case of the petitioner No.1, if he was found not eligible and qualified to be appointed on the post of 'Junior Assistant', no fault can be found in such rejection.

11. Accordingly, since there is no merit in the present writ petition. The writ petition is **dismissed**. No order as to costs.

[RAJNISH R. VYAS, J]

[ANIL S. KILOR, J.]