



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 WRIT PETITION NO. 226 OF 2026

Supriya D/o Shankar Mudale,
Age : 33 years, Occu. Household,
R/o. Chapoli, Tq. Chakur, Dist. Latur.

...Petitioner

VERSUS

The State Of Maharashtra & Ors.

...Respondents

...
Mr. Shantaram Ravji Dheple - Advocate for the Petitioner
Mr. A. M. Phule - AGP for State
Mr. S. B. Pulkundwar – Advocate for Respondent Nos. 3 and 4
...

CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.
DATED : 09TH FEBRUARY, 2026

ORAL ORDER [*Per* Hiten S. Venegavkar, J.] : -

1. The present petition challenges the communication dated 11.09.2025 issued by Respondent No. 4, whereby the claim of the Petitioner for compassionate appointment has been rejected. The Petitioner further seeks a direction in the nature of mandamus to Respondent Nos. 3 and 4 to consider and decide the application of the Petitioner for compassionate appointment in light of the Government Resolution dated 21.09.2017.

2. The petitioner is the married daughter of the deceased employee of Respondent Nos. 3 and 4, who was working as an Assistant Teacher and expired during service on 04.06.2004, leaving behind his

widowed wife, two minor sons, and one daughter. The present Petitioner, who is the eldest among the siblings, was born on 10.07.1992 and got married in the year 2013.

3. The Petitioner contends that after the Supreme Court pronounced a judgment holding that even married daughters are entitled to claim compassionate appointment, she preferred an application to Respondent No. 3 on 09.01.2024 along with all educational documents and an heirship certificate, stating that she is duly qualified to be appointed on any post on compassionate grounds in place of her father.

4. The Petitioner states that Respondent No. 4, the Deputy Chief Executive Officer, General Administration Department, Zilla Parishad, Hingoli, by communication dated 11.09.2025, rejected her application on the ground that it suffers from a delay of 19 years and 6 months. The communication further states that, in accordance with the Government policy, delay in preferring an application for compassionate appointment can be condoned only up to three years, and anything over and above three years cannot be condoned and hence, the application for compassionate appointment cannot be considered for granting appointment on compassionate basis. The Petitioner has impugned the said communication in the present petition on the ground that the delay

in preferring an application ought to have been considered as the Petitioner got the knowledge in respect of she being entitled for preferring an application only after the Apex Court has passed a judgment, holding married daughters to be entitled for claiming the compassionate appointment.

5. The learned Advocate for the Petitioner submits that, as per the Government Resolution dated 21.09.2017 relating to compassionate appointment in government service, Clause 7 of Appendix 'A' mandates that the Establishment Officer should inform the family of the deceased government employee about the compassionate scheme, eligibility criteria, and time limit for making application within fifteen days from the death of the employee or at the time of submission of the family pension proposal, and obtain acknowledgment from the family. Clause 10 of the said Government Resolution prescribes that the eligible relative must file an application in the prescribed form within one year from the date of death of the employee. It is submitted that the period of one year would commence only if such information had been provided by the employer to the family. In the present case, no such information was provided and, therefore, the prescribed limitation would not apply. It is further argued that Clause 10E of the said Government Resolution further provides for condonation of delay and relaxation up to two years in submission of the application. Thus, if the employer has the power to

relax the period, even a longer delay could be considered and condoned. He, therefore, prays that the present Petition be allowed.

6. The learned AGP appears for Respondent Nos. 1 and 2, and Mr. S. B. Pulkundwar appears for Respondent Nos. 3 and 4. It is submitted that the said Government Resolution of 2017 clearly provides that married daughters are entitled to submit an application seeking compassionate appointment, and therefore, the Respondents dispute the contention that it was only upon the judicial pronouncement of the Supreme Court that the Petitioner gathered knowledge of her entitlement to submit such an application. He also referred to Clause 10 of the said Government Resolution and submitted that the policy prescribes a specific period of limitation for the grieving family to prefer an application for employment on the compassionate ground within a period of one year. Secondly, the period of limitation to condone has also been prescribed and, therefore, the authorities will have to abide by the said Government Resolution in its true letter and spirit. While considering such applications, the authorities are not exercising judicial or quasi-judicial powers, and therefore condonation of delay beyond what is prescribed under the policy does not arise.

7. We have considered the documents, which have been placed on record and have also heard argument of both the learned

counsels appearing for the respective parties. The scheme pertaining to employment on the compassionate ground is for the benefit of the grieving family so as to prevent them from facing any financial distress. The government's policy is only for the benefit of those grieving family who immediately suffer from any kind of financial hardship due to loss of their family member, who is earning member and the only source of income.

8. In the present case, the deceased employee has expired in the year 2004 and, thereafter, the present Petitioner, who is the daughter of the deceased-employee, got married and subsequently in the year 2024, for the first time, the claim has been raised on behalf of the petitioner seeking employment on the compassionate ground. After a period of over twenty years, the financial condition of the family and the degree of hardship suffered by them due to the financial crisis cannot now be assessed, nor can it be ascertained at this stage so as to extend the benefit of the Government policy granting employment on a compassionate basis. Secondly, even if we consider the date of knowledge, it is governed by the provisions of the Government Resolution relied upon by the Petitioner, which clearly states that married daughters are also entitled to apply for employment on compassionate grounds. Even after 2017, within one year if the application would have been preferred, then all the benefits that are

stated therein could have been granted. However, even in the light of the said Government Resolution of 2017, the application is delayed by almost seven years. The authorities have therefore rightly considered the Government Policy and the Government Resolution along with the dictum mentioned therein and we do not find any illegality or arbitrariness in the decision of the respondent authority.

9. It is also important to note that the deceased employee expired in the year 2004, when all the three children were minor including the Petitioner and it was only the widow of the employee, who was major in the family. No material or pleadings in the petition discloses as to whether the employer had, in fact, given any information in respect of submitting an application seeking employment on the compassionate ground to the widow of the employee. Secondly, it is also important to note that, along with the petitioner, as on today, both the minor sons have also attained their majority in the year 2011 and 2014, respectively. Nothing is part of the record, which demonstrates that after attaining the majority by the sons, what is their source of income for their livelihood. The present status of the financial condition of the family of the deceased employee is also not on record. As stated above, the purpose of floating the policy of granting employment to a member of the grieving family on compassionate ground is only to provide financial support to the family of the deceased employee by evaluating

the financial status of family at that relevant point of time. In the present case, the petitioner is a married woman with her independent family. The employment to the petitioner cannot be granted looking at the financial status or financial distress of the petitioner's family as of now.

10. For the aforesaid reasons, the Writ Petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

SG Punde