



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.14695 OF 2025

VINAY UTTAMRAO GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. P.V. Suryawanshi, Advocate for petitioner

Mr. R.S. Wani, AGP for respondent Nos.1 to 4

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 24th FEBRUARY, 2026

ORDER :

. Present petition under Article 226 of the Constitution of India is filed by the petitioner, who is a son of deceased employee, who expired during the tenure of his service and while serving with respondent Nos.4, 5 and 6 on the post of Lecturer. Immediately thereafter the petitioner had preferred an application for compassionate appointment on 05.07.2004 and subsequently thereafter have also preferred several reminders till 28.07.2008. It is the case of petitioner that the respondent Management did not consider the application of petitioner and made any endeavour to grant him

appointment on compassionate ground in their institution. The petitioner submits that on 01.08.2025 even the Deputy Director of Education, Aurangabad Division, Aurangabad had directed respondent No.6 to consider the application of petitioner for the appointment on compassionate ground, as it is the responsibility of the institution to grant appointments to such kind of candidates. However, still respondent Management have not taken up any steps for considering his representation. The petitioner thereafter on 01.02.2024 made a representation to respondent No.5 again reminding the pending applications made in the year 2004 and 2005. Subsequently, he has sent multiple reminders in the year 2024 itself. The petitioner has approached this Court on the ground that though he has raised his *bona fide* claim within one year of the prescribed period requesting the authorities to appoint him on compassionate ground in any position with respondent No.5 institution, still his representation has not yet been considered. Secondly, he has also sought information from respondent Nos.4 and 5 about the list of compassionate appointments made by institution till date. However, the response to that application under Right to Information Act has been that the institution does not maintain and do not have such list with them.

2 We have considered the case of petitioner as well as the documents placed on record including several representations which have

been submitted by petitioner to respondent authorities as well as the institution. The record suggests that petitioner has pursued his right seeking appointment on compassionate ground from the year 2004-05 till 2008 and thereafter has not placed any material to show that he has been pursuing his legal right with the institution or with the respondent authorities till 2024. Subsequently, thereafter in the year 2024 he has submitted couple of applications / representations along with one RTI application seeking details of appointment made on compassionate ground. Again, after 2024 till filing of this petition there is nothing on record that he has pursued the said representations or even have preferred a statutory appeal against the respondents given by the authorities under the Right to Information Act. It is settled principle of law that the compassionate appointment is not a legal right, but it is a welfare scheme which has been floated by the Government, taking into consideration the sudden demise of an earning member of the family. The welfare scheme is to give and ensure protection and financial assistance to the grieving family, who has lost their bread winner suddenly. In order to avoid the financial distress to the suffering family at that very moment and relevant period, the welfare scheme of granting compassionate appointment to one of the family members has been floated by the Government. In the present case, the situation of financial distress which ought to have been considered by the grieving family was in the year 2004 or

2005 or at the most one or two years thereafter. Today, when petitioner has approached this Court in 2026, the financial situation and the financial distress of family cannot be taken into consideration and a writ of mandamus cannot be issued. Even the petitioner himself has slept over his right to take his request for consideration within a reasonable period. 20 years of lapse cannot be condoned without there being any plausible explanation to the same. The entire writ petition lacks of any explanation. We, therefore, do not think it fit to exercise our writ jurisdiction under Article 226 of the Constitution of India, thereby issuing a writ of mandamus to the respondents to consider the representation of petitioner after lapse of 20 years. Accordingly, the writ petition stands **dismissed**. No order as to costs.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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