



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1876 OF 2026
IN RAST/4743/2026
WITH
REVIEW APPLICATION (STAMP) NO.4743 OF 2026

SHAIKH FAHIM S/O SHAIKH NAZIR
VERSUS
EXECUTIVE ENGINEER

...
Shri Ashok Gaikwad, Advocate for the Applicant.
...

CORAM : KISHORE C. SANT
&
SUSHIL M. GHODESWAR, JJ.

DATE : 13 February 2026

P. C. :-

(A) Civil Application No.1876/2026:-

1. Heard.
2. For the reasons stated in the application, Civil Application No.1876/2026 is allowed. Delay in filing the Review Application is condoned. Office to register the Review Application.

(B) Review Application (stamp) No.4743/2026:-

3. Heard the learned advocate for the applicant on Review Application.

4. By way of this Review Application, the applicant is seeking review of the order dated 06.01.2017 passed by the Division Bench of this Court in Writ Petition No.5132/2009. By way of filing the said writ petition, the applicant/ petitioner had sought appointment on compassionate ground. It was contended that the applicant's father went missing in the year 1999. His whereabouts were not traced out. In 2006, in view of Section 108 of the Evidence Act, it was taken to be civil death. Therefore, the applicant immediately moved an application seeking compassionate appointment. This Court in the order dated 06.01.2017 observed that the object of the scheme is to provide immediate succor to the family of deceased employee. The purpose of compassionate appointment is lost by efflux of time.

5. The learned advocate for the applicant vehemently submits that this observation is made in the absence of communication by the respondent dated 14.08.2006, which was not on record at the time when this Court passed the order dated 06.01.2017. The learned advocate submits that had this

communication been considered, this Court would have taken different view. The communication dated 14.08.2006 is by the Executive Engineer, Minor Irrigation Department, Parbhani to the Superintending Engineer, Irrigation Circle, Nanded, requesting to place the name of the applicant in the list of persons seeking appointment on compassionate ground.

6. Assuming that the said communication had been on record, this Court finds that the reasoning given by this Court about efflux of time is proper. By the time, the writ petition was heard, it was more than 17 years after the incident of missing. Even time is considered from 2006, it was more than 11 years. Considering all above aspects, we do not find that there is any error apparent on the face of record. This Court is not inclined to entertain the Review Application.

7. The Review Application is dismissed.

kps

(SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)