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2741.21WP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO.2741 OF 2021

**USHA GANESH GIRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr.T.M. Tandale, advocate for the petitioner
Mr.K.N. Lokhande, A.G.P. for respondent no.1.
Mr.R.S. Devdhe, advocate for respondent nos.2 and 3.

...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 08.04.2022

P.C. :

1. By this petition, the petitioner has put-forth prayer clauses "C" and "D", which read as under :-

"C. To direct the respondent no.2 to decide the application dtd. 05.10.2015 filed by the petitioner to appoint her on compassionate ground which is at EXH-"B" COLLY of the petition and for that, purpose issue necessary writ, order or directions in the like nature.

D. To quash and set aside the communication/ order issued by the respondent No.2 dtd.

13.02.2020 which is at EXH. “D” of the Writ Petition and for that purpose issue necessary orders;”

2. We had considered the submissions of the respective sides on 06.04.2022. The matter was adjourned to enable the petitioner to tender an affidavit undertaking that as the widowed mother-in-law is dependent upon her along with her 10 years old daughter, she would ensure that the mother-in-law is well taken care of. She has accordingly filed an affidavit undertaking dated 8th April, 2022 (3 pages), which is taken on record and marked as “X-1” for identification.

3. There is no dispute that the husband of the present petitioner passed away on 24.08.2015 and she moved her application for compassionate appointment on 05.10.2015. The mother-in-law of the petitioner, who is served with court notice, is around 74 years of age today and obviously not entitled for compassionate appointment. In so far as the pensionary benefits are concerned, the deceased husband of the petitioner had not put in qualifying service and hence, pension is also not available.

4. The learned advocate for the Zilla Parishad submits that there is no impediment in appointing the petitioner on compassionate basis, save and except, the

objection being raised by the mother-in-law.

5. We are of the view that the affidavit of the petitioner "X-1" is sufficient to indicate that she would take care of the mother-in-law.

6. Naturally, after getting the compassionate appointment, if the petitioner ill-treats the mother-in-law or deserts her, there is a provision in the Government Resolution that such compassionate appointment can be taken away.

7. In similar circumstances, a coordinate bench of this Court has delivered the judgment dated 28.11.2016 in Writ Petition No.4844/2015 filed by Anita Dnyaneshwar @ Dnyandeo Suryawanshi Vs the State of Maharashtra and others.

8. Considering the above, this petition is partly allowed.

9. After the petitioner submits all the necessary documents preferably within 15 days from today, the Zilla Parishad shall enter her name in the eligible list of candidates and considering the date of her application, which is 05.10.2015, she would be granted compassionate appointment by treating her application seniority from

05.10.2015.

10. In the event, the mother-in-law of the petitioner raises any objection, the Zilla Parishad would deal with the same and as far as possible, ensure that there is reconciliation between them.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)

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