

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5216 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NOS. 4420 OF 2018]

SUPRIYA SURESH PATIL  
@ SOW SUPRIYA PRATIK KADAM

Appellant (s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is aggrieved since her application for compassionate appointment was declined by Respondent No. 3. The appellant was unsuccessful before the High Court.

3. We find from the Judgment of the High Court that the main reason for rejecting the case of the appellant was that the family had managed to survive for over ten years and, therefore, there was no immediate necessity. We are afraid that this cannot be a major reason for rejection. Whether the family pulled on begging or borrowing also should have been one consideration. We do not propose to deal with the matter any further in the peculiar facts of this

case. The widow had already been empaneled for appointment under the Compassionate Appointment Scheme, but was declined the benefit only on account of crossing the age. We are of the view that in the peculiar facts of this case, her daughter should be considered for compassionate appointment. Ordered accordingly.

4. We make it clear that this order is passed in exercise of our jurisdiction under Article 142 of the Constitution of India for doing complete justice and hence, it may not be treated as a precedent.

5. The needful shall be done by the respondents within one month from today.

6. The impugned Judgment will stand modified accordingly. The appeal is disposed of as above.

No costs.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ MOHAN M. SHANTANAGOUDAR ]

New Delhi;  
May 12, 2018.

ITEM NO.70

COURT NO.5

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 4420/2018

(Arising out of impugned final judgment and order dated 14-11-2017 in WP No. 13275/2017 passed by the High Court Of Judicature At Bombay At Aurangabad)

SUPRIYA SURESH PATIL @ SOW SUPRIYA PRATIK KADAM      Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No.20606/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.20608/2018-EXEMPTION FROM FILING O.T.)

Date : 09-05-2018 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
          HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)      Mr. Sandeep Sudhakar Deshmukh, AOR

For Respondent(s)      Mr. Kunal Cheema, Adv.  
                                 Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The civil appeal is disposed of in terms of the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)