

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.1452 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.B.Bhosale, advocate for the Petitioner.
 Mr.K.G.Patil, Addl. Govt. Pleader for the State.
 Mr.A.R.Joshi, advocate for Respondent No.7.

**CORAM : S.V.GANGAPURWALA &
 V.K.JADHAV, JJ.**

Date : 10.07.2015.

PER COURT :

1. Heard.

2. Mr.Bhosale, learned counsel submits that the husband of the petitioner was working with Respondent No.7 as Assistant Teacher. The husband of the petitioned died on 1.6.2002 while in service. The petitioner had applied for appointment on compassionate ground on 21.2.2003. However, the same is not considered even representations are given.

3. Mr.Joshi, learned counsel for Respondent No.7 submits that the name of the petitioner is included in the seniority of the persons to be considered for giving appointment on compassionate ground. Right now there is a ban on recruitment, as such the vacancy can not be filled in. As and when the recruitment is permissible, the

petitioner can be considered as per seniority of the persons to be appointed on compassionate ground.

4. Mr.Patil, learned Addl. Govt. Pleader states that 10% of the total vacant posts can be filled in on compassionate ground in a year. The ban on recruitment would not be an embargo for appointing a person on compassionate ground, as they are not required to be appointed after following selection process nor they are required to compete.

5. Considering the affidavit-in-reply filed by Respondent No.7, we pass the following order :

a) The Respondent No.7 shall consider the case of the petitioner for appointment on compassionate ground as per her turn in the seniority list of the candidates meant for appointment on compassionate ground.

b) The Writ Petition is disposed of. No costs.

(V.K.JADHAV, J .)

(S . V . GANGAPURWALA, J .)

Dt .10.07.2015.
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