

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

WRIT PETITION NO. 3837 OF 2015

GANESH NAMDEORAO REWANWAR
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S.K. Patil
AGP for Respondents: Mr K G Patil
Advocate for Respondents :Mr. V.V. Bhavthankar for R/3,
Mr.P.N.Sonpethkar for R/4, Mr. A.R.Gaikwad for R/5 & 6.

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

Dated: August 04, 2015

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PER COURT :-

1. Mr. Patil, the learned counsel for the petitioner submits that, the petitioner had applied for appointment on compassionate ground. The petitioner was appointed as 'Parichar' which is a Class-IV post. Thereafter, on 16.1.2015, the petitioner was absorbed as Junior Assistant. Learned counsel submits that, the respondents no.4,5 and 6 are junior to the petitioner in the list, however, they are absorbed as 'Extension Officer' which is Grade B post in Class 3, where as post of Junior Clerk is Grade C in Class 3. According to the learned counsel, the petitioner ought to have been appointed as 'Extension Officer'. Even in the seniority list maintained, qualification of the petitioner is stated as M.A.

2. Mr. Bhavthankar, the learned counsel for respondents submits that, in the application, the petitioner has stated his qualification as 10th standard. As such, he was appointed as Peon. As vacancy of Junior Clerk was available, the petitioner opted for the same and he was considered for the post of Junior Clerk/Assistant. The petitioner again cannot be granted another post in Class 3. He further submits that there is no mention of the relevant Government Resolution in the appointment order of the petitioner.

3. We have considered the submissions of the learned counsel for respective parties. Even in the seniority list maintained by the respondent, qualification of the petitioner is shown as M.A. Respondents are aware of the qualification of the petitioner as post graduate. The juniors to the petitioner are already appointed as 'Extension Officers'. They all are appointed on compassionate ground. We would not like to disturb the appointments which were already made of respondents 4 to 6, however, the respondents also are required to consider the case of the petitioner for appointment as 'Extension Officer' considering his qualification and if vacancy exists. In light of that, we pass following order.

ORDER

The Respondents shall consider the case of the petitioner for appointment on the post of Extension Officer as per the availability of vacancy and claim of the petitioner shall not be denied only on the ground that the petitioner is already appointed in Class-3 Grade-C post.

4. Writ Petition is accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-